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1 EASTERN INTERIOR SUBSISTENCE REGIONAL ADVISORY COUNCIL
2 PUBLIC MEETING
3 VOLUME I
4 Fort Yukon Community Hall
5 October 6, 1999
6 1:30 p.m. o'clock
7 Fort Yukon, Alaska
8

9 COUNCILMEMBERS PRESENT:

10

11 Charles Miller, Chairman

12 Nathaniel Good

13 David Murphy James

14 Gerald Nicholia

15 Knowland Silas

16 Lee Titus

17 Calvin Tritt

18 Lincoln Tritt

19

20 Vince Mathews, Regional Coordinator

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1 P R O C E E D I N G S

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3 (On record - 1:30)

4

5 CHAIRMAN MILLER: Okay, Vince we can get
6 started, roll.

7

8 MR. MATHEWS: Yes, Mr. Chairman, let me get
9 the list. Okay, Calvin Tritt.

10

11 MR. C. TRITT: Here.

12

13 MR. MATHEWS: Lincoln Tritt.

14

15 MR. L. TRITT: Here.

16

17 MR. MATHEWS: Gerald Nicholia.

18

19 MR. NICHOLIA: Here.

20

21 MR. MATHEWS: David James.

22

23 MR. JAMES: Here.

24

25 MR. MATHEWS: Lee Titus is absent. Craig
26 Fleener is absent but we've talked and he's away at school
27 so I suppose it's considered an excused absence. Nat Good.

28

29 MR. GOOD: Here.

30

31 MR. MATHEWS: Knowland Silas.

32

33 MR. SILAS: Here.

34

35 MR. MATHEWS: And Chuck Miller.

36

37 CHAIRMAN MILLER: Here.

38

39 MR. MATHEWS: Mr. Chairman, we have seven
40 of the nine members so you have a quorum. Mr. Chairman,
41 the next section deals with introductions and I think this
42 morning we talked a little bit about it and didn't really
43 do it. It might be wise to have the Yukon Flats Fish and
44 Game Advisory Committee members recognize themselves and
45 introduce themselves to the Council and then maybe have the
46 Council introduce themselves and then Staff, if that's all
47 right with you since we ducktailed at their meeting.

48

49 CHAIRMAN MILLER: There has been a request
50 to have Paul Williams do a prayer before we get started.

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1 MR. MATHEWS: Oh, okay.

2

3 MR. WILLIAMS: (In Native) In the name of
4 Jesus Christ, amen.

5

6 MR. MATHEWS: I'm looking to see if James
7 Nathaniel is here and maybe he could introduce his
8 councilmembers but I'm not -- I don't see him here. But I
9 would suggest that maybe the advisory committee members
10 who'd like to introduce themselves and then after that the
11 Council and then Staff.

12

13 MR. WILLIAMS: I'm Larry Williams
14 representing Venetie Advisory Council.

15

16 MR. J. TRITT: Joel Tritt, Arctic Village.

17

18 MR. GEORGE: Herb George representing
19 Stevens Village, Yukon Flats Advisory Committee.

20

21 MR. SCHWALENBERG: Dewey Schwalenberg,
22 National Resource Director for Stevens Village.

23

24 MR. BEAVER: Bob Beaver Tribal Council.

25

26 MR. J. STEVENS: Jay Stevens, Stevens
27 Village Tribal Council.

28

29 MR. McCLELLAN: Greg McClellan, Yukon Flats
30 and Arctic National Wildlife Refuge.

31

32 MR. W. JAMES: Winston James, Birch Creek.

33

34 MR. MATHEWS: Maybe now it's time for the
35 Councilmembers to introduce themselves.

36

37 MR. C. TRITT: My name's Calvin Tritt, I'm
38 from Arctic Village.

39

40 MR. NICHOLIA: Gerald Nicholia from Tanana.

41

42 MR. JAMES: David James, Fort Yukon.

43

44 CHAIRMAN MILLER: Chuck Miller from Dot
45 Lake.

46

47 MR. GOOD: Nat Good, Delta Junction.

48

49 MR. SILAS: Knowland Silas from Minto.

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1 MR. L. TRITT: Lincoln Tritt, Arctic
2 Village.

3
4 MR. DeMATTEO: Pete DeMatteo, Fish and
5 Wildlife Service.

6
7 MR. MATHEWS: I'm Vince Mathews, Fish and
8 Wildlife Service, and the Court Recorder is Salena Hile.

9
10 MR. SHERROD: George Sherrod, Fish and
11 Wildlife Service.

12
13 MS. FOX: Peggy Fox, Fish and Wildlife
14 Service.

15
16 MS. HILDEBRAND: Ida Hildebrand, BIA, Staff
17 Committee member.

18
19 MR. HEUER: Ted Heuer with the Yukon Flats
20 Refuge.

21
22 MR. WILLIAMS: Paul Williams, I'm from
23 Beaver. I'm with the Fish and Wildlife Service.

24
25 MS. SHARP: Devi Sharp with Wrangell-St.
26 Elias National Park.

27
28 MR. SCHULZ: Rob Schulz, Acting Refuge
29 Manager, Tetlin Refuge.

30
31 MR. SIMMONS: I'm Rod Simmons with U.S.
32 Fish and Wildlife Service, Fishery Resources Office in
33 Fairbanks.

34
35 MS. ANDREWS: I'm Elizabeth Andrews, Alaska
36 Department of Fish and Game in Juneau.

37
38 MR. ANDERSEN: Dave Andersen, Alaska
39 Department of Fish and Game, Subsistence in Fairbanks.

40
41 MS. FRIEND: Connie Friend, Tanana Chiefs,
42 Tanana Region.

43
44 MR. BURR: I'm John Burr, Fish and Game
45 Sport Fisheries in Fairbanks.

46
47 MR. SCHULTZ: Keith Schultz, Alaska
48 Department of Fish and Game, Division of Commercial Fish in
49 Fairbanks.

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1 MS. BORBA: Bonnie Borba, Alaska Department
2 of Fish and Game, Commercial Fisheries in Fairbanks.

3
4 MR. STEVENS: My name is Ben Stevens. I'm
5 from Stevens Village, I work with the Natural Resources
6 Department here at CATG.

7
8 MR. ALBRECHT: I'm Dan Albrecht, Executive
9 Director, Yukon River Drainage Fisheries Association.

10
11 MR. MITCHELL: Carl Mitchell, Wildlife
12 Biologist, Wrangell-St. Elias National Park.

13
14 MR. STEPHENSON: Bob Stephenson, Fort Yukon
15 Biologist with Fish and Game in Fairbanks.

16
17 MS. WHEELER: Polly Wheeler, Regional
18 Manager for Subsistence Division in Fairbanks.

19
20 MR. JAMES: I'm David James. I'm with
21 Alaska Fish and Game Wildlife Division out of Fairbanks.

22
23 MS. CHIVERS: Michelle Chivers, Fish and
24 Wildlife Service.

25
26 MS. WAGGONER: Trish Waggoner, CATG
27 Biologist.

28
29 MR. PETER: Isaac Peter, CATG National
30 Resource Department.

31
32 MR. LAWRENCE: Gary Lawrence, Native
33 Village of Fort Yukon Natural Resources. Also I'm on the
34 Yukon Flats Advisory Committee representing Fort Yukon.

35
36 MR. MATHEWS: I don't know but David was
37 saying there may be an elder but I don't know if the elder
38 is present and he has some open comments or.....

39
40 MR. JAMES: Yeah, Trish, comments, she's
41 our administrator for Fort Yukon and I'd like to, if you
42 would get the elders.

43
44 MS. THOMAS: My name is Teresa Thomas, I
45 have lived in Fort Yukon for 35 years, and I welcome
46 everybody here today. It is good to be here. It is good
47 to speak and talk widely about subsistence. My husband,
48 John Thomas and I are very strong subsistence people. We
49 were very lucky this year in our harvest for which I thank
50 God and my hunting partner Doris. So I wish -- I'm very

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1 glad to be here, I wish you all a very productive and
2 helpful session. And I'm very glad to represent the Fort
3 Yukon elders, thank you.

4
5 CHAIRMAN MILLER: Thank you.
6

7 MR. MATHEWS: Mr. Chairman, for public, the
8 councilmembers are going to mainly be working from this
9 book. There are extra copies in the back. The folks at, I
10 believe Fish and Game, made a bunch of copies that are in a
11 big binder clip and there may be some other yellow ones.
12 You don't need the whole book to track along, there's extra
13 copies of the agenda back there. But for those that do
14 want to track along with the regional councils you may want
15 to pick up one of these books. So they are back there on
16 that table.

17
18 CHAIRMAN MILLER: Is there any additions or
19 corrections to the agenda? Go ahead, Vince.
20

21 MR. MATHEWS: Mr. Chairman, there's a
22 couple that were voiced to me and maybe they want to
23 explain themselves, but one was a request from Yukon
24 Fisheries Drainage Association to be plugged into the
25 agenda at a particular point. So Dan may want to approach
26 you on that. Other agenda additions, I think, will come up
27 as we move into the proposal phase from yesterday's meeting
28 dealing with those proposals. And David mentioned
29 something about muskrat concerns, so I don't know how he
30 may want to plug that in or just wait until it comes up.
31 So those are the three I know of, proposals, actually from
32 the advisory committee, Yukon River Fisheries Drainage
33 Association and then David expressed concern last night
34 about muskrat and possibly a discussion today about that.
35

36 CHAIRMAN MILLER: Do you think we should
37 leave the agenda open to changes then?
38

39 MR. MATHEWS: Well, it's easier for those
40 that are looking at plane schedules if we plug them in at
41 some point. So I don't know what Dan's schedule is, for
42 example. The other ones, we would need to find out from
43 the leadership of the advisory committee if they're going
44 to be present here when we talk about potential proposals
45 or if they're going to have Fish and Game Staff bring them
46 forward or whatever; I'm not real clear where that ended up
47 yesterday. So we may need input from them on those
48 proposals.
49

50 MR. JAMES: Mr. Chair.

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1 CHAIRMAN MILLER: Go ahead.

2

3 MR. JAMES: I see on this agenda there, you
4 know, councilmembers or public input, I see councilmembers
5 comments but I don't see any public input there, at the
6 beginning or, oh, at 11:00 each day. Those of you who want
7 to make some comments this morning or this afternoon, and
8 how do we feel about accommodating them?

9

10 CHAIRMAN MILLER: Usually we just pretty
11 much take them when they come, don't we Vince?

12

13 MR. MATHEWS: Right. The way you've done
14 it in the past is if a public person wants to comment they
15 get your attention or one of the Staff here at the desk and
16 then we inform you and then we generally recognize them at
17 a convenient point and allow them to come up and speak. Or
18 at times, you've even had a round-table on discussions. So
19 this morning was a bit different, so your policy has always
20 been if someone wants to get recognized, the Council's
21 policy has been to recognize them and they can speak as
22 long as they give their name or can be reached by the mic.

23

24 MR. JAMES: Mr. Chairman, catching up on
25 the muskrat report that I would like to make, maybe we
26 could put that underneath -- on Thursday afternoon.

27

28 MR. MATHEWS: Where was that?

29

30 CHAIRMAN MILLER: Thursday under two.

31

32 MR. MATHEWS: Okay, under action items?

33

34 CHAIRMAN MILLER: Yeah.

35

36 MR. MATHEWS: Okay.

37

38 CHAIRMAN MILLER: Any other changes?

39

40 MR. MATHEWS: Well, I think Dan wanted
41 Yukon River Fisheries to speak to you more about the
42 association and he suggested maybe after the fisheries
43 discussion, after Peggy covers the fisheries part, maybe at
44 that time. I think that's what he meant.

45

46 MR. ALBRECHT: Under progress report, issue
47 five or under actions.

48

49 CHAIRMAN MILLER: Which would be better for
50 you?

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1 MR. ALBRECHT: I guess since it's more
2 informational, probably under the progress report section.
3 I just want to make some comments about the regional
4 council structure and I have some handouts from the
5 association.

6
7 CHAIRMAN MILLER: Okay.

8
9 MR. MATHEWS: It might be better after we
10 go through all those issues so you have an idea of the
11 structural thoughts for regional council and that will be
12 more advantageous for him also. So I'm thinking more end
13 of B or beginning of C, whatever, under number VII, so we
14 can lay out the whole package of the implementation plan
15 and not have it fragmented.

16
17 MR. ALBRECHT: Right at the beginning of B
18 would be good. Right at the beginning of B you go into
19 action discussion. You do think you'll get to that today?

20
21 CHAIRMAN MILLER: So we'll put that in
22 where now, right after B you said? Any other changes?

23
24 MR. MATHEWS: No, unless the advisory
25 committee wants to share the proposals, different than
26 what's on the schedule here? We were looking at potential
27 proposals on Thursday and I don't know if the advisory
28 committee members will be here on Thursday so I'm not sure
29 how they want to handle that. They have two fisheries
30 proposals, one brown bear proposal and I think one other
31 proposal but I'm not sure. So maybe when James speaks to
32 the council here that will become clearer. He did want to
33 talk to the council this afternoon.

34
35 CHAIRMAN MILLER: Okay, is that all the
36 changes? Okay, all in favor of accepting the agenda as
37 is.....

38
39 MR. MATHEWS: As amended.

40
41 CHAIRMAN MILLER:as amended signify
42 by saying aye.

43
44 IN UNISON: Aye.

45
46 CHAIRMAN MILLER: Opposed same sign.

47
48 (No opposing votes)

49
50 CHAIRMAN MILLER: The approval of February

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1 27 and 28, 1999 meeting minutes.

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3 MR. MATHEWS: All right, Mr. Chairman,
4 they're under Tab B as in Baltimore. And in the past
5 you've just kind of looked them over to make sure, you did
6 receive them in the mail in April or May, I wish it was
7 earlier than that but it probably was April. The only
8 thing I need to point out that is different, if you look
9 through the text you will see words that are struck out.
10 Those are ones that I just went ahead because it made
11 sense. For example, I used separated instead of
12 separation, so you may want to look at those and then look
13 it over and then if you have questions I'll try to answer
14 them.

15

16 MR. GOOD: Mr. Chairman, I move we approve
17 the minutes as presented here.

18

19 MR. NICHOLIA: Second the motion.

20

21 CHAIRMAN MILLER: Okay. All in favor of
22 approving the minutes of the February meeting signify by
23 saying aye.

24

25 IN UNISON: Aye.

26

27 CHAIRMAN MILLER: Opposed same sign.

28

29 (No opposing votes)

30

31 CHAIRMAN MILLER: Okay, now we're on
32 fisheries.

33

34 MR. MATHEWS: Mr. Chairman, on the
35 fisheries, this meeting it's got a few different changes
36 but we're doing quite well. You, on August 26th sent a
37 letter to the office of the Solicitor requesting some
38 information or some kind of direction on what is meant by
39 inland waters adjacent to exterior boundaries. I think
40 after talking to the presenters for the next full sections
41 that it might be easier to get Mr. Goltz on line right now
42 and let him respond to your letter there and then that way
43 we don't end up having to break out of the full
44 presentation on fisheries. So we would need to get Mr.
45 Goltz on line, if that's all right with you.

46

47 CHAIRMAN MILLER: Yes.

48

49 MR. MATHEWS: Okay, it will take me a few
50 minutes just to dial him in and figure out the credit card

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1 and then we'll go from there. So maybe we'll just want to
2 stand down for about three or four minutes.

3
4 CHAIRMAN MILLER: Okay.

5
6 (Off record)

7
8 (On record)

9
10 MR. MATHEWS: All right, Mr. Chairman, we
11 have on line Keith Goltz with the office of the Solicitor
12 out of Anchorage. And as I said earlier, we met here in
13 Fort Yukon back in, I think it was early August or late
14 July. And at that time there were several of you plus
15 representatives of the Council Athabascan Tribal
16 Government, several chiefs from surrounding villages and
17 you decided at that point to send a letter to the solicitor
18 requesting what is meant by inland waters adjacent to
19 boundaries? How far will adjacent waters cover when these
20 villages are dependent on the Yukon River waters for their
21 subsistence needs?

22
23 Keith, due to my oversight I don't have copies of
24 this letter in front of me and the councilmembers, I assume
25 you have a copy there? Keith, do you have a copy of the
26 letter there so in case they have questions on it?

27
28 MR. GOLTZ: I probably do somewhere, Vince.

29
30
31 MR. MATHEWS: Okay. And I'll just go on
32 with the questions that you had in the letter so that you
33 can start off in there. How far will adjacent waters cover
34 when these villages are dependent on Yukon River waters for
35 their subsistence needs? How will adjacent waters
36 affect/recognize rural communities dependent on Yukon River
37 fish but are not within or adjacent to a conservation unit
38 like a refuge? For example, how will the expanded
39 subsistence fisheries management affect the village of
40 Tanana? Tanana village residents harvest from salmon
41 stocks -- the same salmon stocks as Yukon Flats or middle
42 Yukon villages. And then you requested, would it be
43 possible for you to be, Mr. Goltz, or someone from your
44 office to attend the fall meeting, the meeting will have
45 representatives from throughout the area. So these were
46 the questions that you proposed to Mr. Goltz and Mr. Goltz
47 decided that it might be best to teleconference in. And I
48 suppose we'll leave Keith to start off, and then
49 councilmembers it will probably be easier to speak real
50 loud so Keith can pick that up, your questions, if not,

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1 then I think Chuck will need to convey the questions.

2

3 MR. GOLTZ: Okay, Vince, I actually had a
4 little hard time hearing what you were saying but basically
5 I guess the question is, how far does Federal jurisdiction
6 extend in these waters? Is that what we're really talking
7 about?

8

9 MR. MATHEWS: Yes. Especially when -- the
10 key words they're looking at is waters adjacent to the
11 exterior boundaries. And the question that Tanana came up
12 with is that boundary cuts perpendicular to the river, so
13 how -- what is the definition of adjacent waters? Does the
14 adjacent waters cover.....

15

16 MR. GOLTZ: Well, what it's intended to do,
17 Vince, is when the conservation unit is surrounded by water
18 such as the Yukon River, then we extend our jurisdiction
19 into that river. That's what adjacent means in that
20 context. And where that's important is on the major rivers
21 like the Yukon, the Kuskokwim and some of the others, the
22 Copper River, where the boundary of the unit actually goes
23 up to the mean low water. We're saying that under these
24 regulations our fishery management authorities extends into
25 those rivers.

26

27 MR. GOOD: What do you mean by the mean low
28 water mark or.....

29

30 MR. GOLTZ: Yes. That's our present
31 position, the whole water course. So that if you trace up
32 -- you trace up the Yukon you will see several conservation
33 system units, refuges, that are bounded on one side or the
34 other, usually the north or the west side by the Yukon
35 River, where the Yukon intersects the boundaries and goes
36 along one edge we'll be managing in those waters.

37

38 I don't know, do you have a map up there in the
39 room?

40

41 MR. MATHEWS: Yes, Keith, we do have a map
42 and each one of them have a smaller version in front of
43 them so they're presently looking at the map for Eastern
44 Interior.

45

46 CHAIRMAN MILLER: Go ahead, Gerald.

47

48 MR. NICHOLIA: Keith, this is Gerald.

49

50 MR. GOLTZ: Yes.

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1 MR. NICHOLIA: On this Yukon Flats Wildlife
2 Refuge.....

3
4 MR. GOLTZ: Right.

5
6 MR. NICHOLIA:how would -- this would
7 affect the village corporation boundaries too?

8
9 MR. GOLTZ: If it's within the external
10 boundaries, yes. We are -- our present position is that in
11 order to make sense out of fisheries management, we've got
12 to at least manage everything within inside the unit so
13 that includes all the waters, both State and private
14 waters. We expect that to be challenged but that's our
15 starting point in all of this.

16
17 CHAIRMAN MILLER: Is there any more
18 questions for Keith?

19
20 MR. GOOD: Mr. Chairman, I have a question.

21
22 CHAIRMAN MILLER: Go ahead, Nat.

23
24 MR. GOOD: Keith, this is Nat Good, Delta
25 Junction. You said within the boundaries, if we look at
26 Beaver, for instance, the entire white area is surrounded
27 by the Yukon Flats Wildlife Refuge, would that mean that
28 that square then would come under our jurisdiction?

29
30 MR. GOLTZ: You must be looking at a
31 different map than I am. Let me grab the one that I think
32 you're looking at, hang on. Well, the map that I think
33 you're looking at is across the -- on the wall from me and
34 I'm not sure I can really see what you're pointing to. But
35 I suspect what -- what the white on your map is private
36 land; is that right, Vince?

37
38 MR. MATHEWS: Yes, it is.

39
40 MR. GOLTZ: Okay, we are, presently, taking
41 the position that everything within the external
42 boundaries, including those lands, are subject to fisheries
43 management. Now, of course, the white on the maps I'm
44 looking at refers only to the dry lands and not to the
45 waters. But the waters that flow through that white area
46 we will be managing as long as it's inland water. And for
47 the interior Alaska everything is inland so I think the
48 answer to your question is yes.

49
50 In other words our regulations do not require that

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1 there be Federal lands on both sides of the water. All it
2 requires is that the waters be inside the refuge unit
3 boundaries in this case. And the reason for that is
4 largely one of practicality. We're going to have enough
5 trouble even with these large units, and we didn't see how
6 we could split up fisheries management any more than we've
7 done. The State has been objecting to that but our
8 position at the present is is that no matter what color it
9 is within inside of that unit as long as it's inland water,
10 basically fresh water we're talking about here, we're going
11 to be managing that for Federal subsistence priority.

12
13 If you look -- just as a kind of an aside, if you
14 look at some of the maps like on the Y-K Delta, you see
15 white on virtually all of the major waterways, nonetheless,
16 we're still going to be managing that for the Federal
17 priority, subsistence priority.

18
19 CHAIRMAN MILLER: Are there any more
20 questions?

21
22 MR. NICHOLIA: I might have one that he
23 might want to answer. Just because the State is
24 challenging this authority over this village corporation,
25 is it because they're State chartered?

26
27 MR. GOLTZ: No. The State has taken the
28 position that unless there's Federal land along that
29 waterway, we don't have a Federal reserved water right, and
30 that's the legal basis for all of this, is Federal reserved
31 rights. If we get into that part of it, it's going to be a
32 long and intense legal battle and really all I'm pointing
33 out -- all I have the ability to point out now is the
34 Federal starting point. And it could go either direction.
35 It's conceivable that we could end up managing more waters
36 than this and if the State is successful in its claim we
37 could be managing less. But so far the State's objections
38 have only been verbal, they haven't filed any kind of
39 action on it. It's probably too early for that yet.

40
41 MR. GOOD: Mr. Chairman.

42
43 CHAIRMAN MILLER: Go ahead, Nat.

44
45 MR. GOOD: I don't know if I'm asking the
46 right person here but will we be preparing a map of
47 Federally controlled subsistence fishing areas sometime in
48 the near future?

49
50 MR. GOLTZ: Yes. In fact, I just got one

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1 today. And I think, Vince, if he doesn't have those he
2 could probably get them. The one I'm looking at here is
3 dated October 1, 1999, and it shows the Federal areas. But
4 if you were going to try to find a spot on the map on this
5 one it'd be pretty tough, it's a broad general map of the
6 whole state. And basically what it does is simply color
7 all of the Federal conservation units one color, if we take
8 the white out in other words, and we just take these and
9 you would just put them on a map and say everything within
10 that we manage.

11
12 MR. MATHEWS: Mr. Chairman, a copy of the
13 map he's talking about is on the back wall there. The maps
14 that you have in front of you do not have the selected but
15 conveyed lands -- the selected but not conveyed lands and
16 it does not have the rivers colored in red, if I've got
17 that right, but essentially the map that -- the small map
18 you have in front of you, if you take a line and go around
19 the outer edge of say the pink color or whatever color that
20 is, that is the boundary of the refuge so everything within
21 there would fall in it. That map somewhat more clearly
22 defines it. But Keith is pointing out that some of the
23 selected but not conveyed lands would be pretty difficult
24 on that scaled map to do it. It's all within the legal
25 boundaries of the park or the unit. So you'd have to look
26 at -- this map that we have in front of you doesn't really
27 show well the unit boundaries but we do have on that scale
28 on the map showing you where the unit boundaries are. So
29 the key point is the unit boundary line and then everything
30 within that polygon, that shape, all those waters would
31 fall within there including private lands that are
32 underneath corporations -- the village corporations, the
33 waters in those lands would fall in.

34
35 So we'll have new maps for you. The scale that's
36 in front of you -- but at the time they just weren't
37 available so this one in front of you is pretty close to
38 it. And of course, selected but not conveyed land status
39 will change over time. And it also covers allotments,
40 we're going to get into that at the presentation,
41 allotments that have not been conveyed.

42
43 CHAIRMAN MILLER: Is there any other
44 questions for Mr. Goltz? Any questions from the public?

45
46 MR. MATHEWS: I suppose we could just thank
47 Mr. Goltz for getting on line and we'll save him a chair
48 for the next meeting for you to come in person, they
49 haven't seen you since -- when was the last time you were
50 -- you were at Northway so you'll have to come visit

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1 Eastern Interior again as we move into fisheries.

2

3 MR. GOLTZ: Yeah, I'd like love to do it.
4 If we ever get the budget for it I'd like to go to a lot of
5 these meetings.

6

7 MR. MATHEWS: Okay, well, thank you and I
8 think without -- unless there's one last question, I'll
9 turn off the phone then.

10

11 CHAIRMAN MILLER: Is there any more
12 questions? Okay, well, thanks again Keith.

13

14 MR. GOLTZ: Okay, thank you guys.

15

16 CHAIRMAN MILLER: Bye.

17

18 MR. MATHEWS: Okay, that brings us up to
19 the presentation of Federal Subsistence Fisheries
20 Management. Peggy's going to be presenting that. You have
21 the implementation plan in your book and I don't know
22 remember which tab it is right now but it's under Tab C.
23 And you do have various handouts, and if we failed to get
24 you copies we'll get you copies, in front of you. And so
25 with that we'll go to Peggy.

26

27 MS. FOX: Thank you, Mr. Chair and
28 councilmembers. I'm Peggy Fox, I'm the Acting Deputy
29 Assistant Regional Director for subsistence in Anchorage.
30 And today I'm going to tell you how we're planning to
31 approach the Federal fisheries -- the subsistence fisheries
32 management, at least, as we foresee it right now. A
33 progress report from where we've come from since April when
34 we first drafted an implementation plan.

35

36 We've been preparing to manage subsistence
37 fisheries since the Katie John decision in 1995. In the
38 years since this decision we have published an advanced
39 notice of proposed rule, a proposed rule, environment
40 assessment, and eventually a final rule on January 8th of
41 1999. The final rule has now taken effect as of Friday,
42 October 1st. The ANPR and the proposed rule received
43 extensive public review. We had over 40 public meetings,
44 several regional advisory council meetings to gather
45 comments. Since 1995 implementation was delayed three
46 times by Congress. Now, we're actually implementing the
47 Katie John decision. Since January our planning efforts
48 have intensified. In April an implementation plan
49 outlining 14 major issues or tasks that we need to address
50 as we move forward to October 1st. Today I want to share

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1 our progress in some of the more important tasks in this
2 plan.

3 The topics I'm going to talk about today are the
4 organizational approach we're taking. The cooperative
5 management with the tribes and other Native organizations.
6 Federal/State cooperation. Regional advisory council
7 structures. Extraterritorial jurisdiction. Customary
8 trade. Orientation for the Regional Councils. Fisheries
9 regulatory process and fisheries regulations for your
10 region. Following my report on each topic I'm going to
11 pause and see if there are questions or comments on that
12 subject.

13
14 The first topic is how we plan to approach this
15 from an organizational standpoint. The more important task
16 in defining how the five Federal agencies are going to
17 organize, implement these regulations is -- I'm sorry, it
18 is one of the more important tasks. In developing budgets
19 and staffing plans, we need to define an organizational
20 approach that would encourage effective coordination
21 between the five agencies. As you well know, fisheries
22 management is far more complex than wildlife management and
23 it calls for a different approach. We began by looking
24 first at how we were going to organize to gather and
25 analyze information about fisheries and harvest needed to
26 make sound regulatory decisions. The result of this
27 exercise is what we call unified resource monitoring. This
28 approach recognizes the need for the agencies to work
29 together to identify resource monitoring priorities state
30 wide and allocate funding and staff to these priorities.
31 While staff from four of the five agencies will be co-
32 located at key field locations, we will need to establish
33 additional connections between agencies to insure a common
34 direction for the program state wide. A central office in
35 the Fish and Wildlife Service which is separate from the
36 Office of Subsistence Management is being created to
37 coordinate the resource monitoring aspect of the fisheries
38 program. This office will be required to provide the most
39 up to date information possible in fast moving situations
40 such as in-season management in managing fisheries. The
41 administration of the program will remain primarily with
42 the Office of Subsistence Management. This staff will be
43 enlarged with fisheries biologists, council coordinators
44 and administrative staff to insure adequate technical
45 support to the regional advisory councils and the Federal
46 Subsistence Board. Some field staff will also be
47 identified with responsibilities for these and delegated
48 decision making responsibility for regulating fisheries in-
49 season.

50

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1 And I'd like to pause now and ask for any questions
2 or comments on the first topic about how we're going to
3 organize?

4
5 MR. NICHOLIA: I have a question, will it
6 be pretty much the same people that's sitting there?

7
8 MS. FOX: We would add a fisheries
9 biologist.

10
11 MR. NICHOLIA: Add a fisheries biologist?

12
13 MS. FOX: Pete is specialized in wildlife
14 and we would add a fisheries biologist but don't expect to
15 add another George. Now, Vince may get some help from it.
16 Yes, it will add to the number of people that support the
17 Council.

18
19 MR. L. TRITT: You said something about two
20 stations or something like that?

21
22 MS. FOX: Two stations?

23
24 MR. L. TRITT: Yeah.

25
26 MS. FOX: We will have more people -- more
27 fisheries biologists in the field instead of in Anchorage.
28 I mean we'll have most of them out in the field. And I
29 think relative to this area those people will probably be
30 located in Fairbanks.

31
32 MR. L. TRITT: That's a field?

33
34 MS. FOX: That's a field station, yeah.

35
36 CHAIRMAN MILLER: Are there any other
37 questions? Go ahead, Peggy.

38
39 MS. FOX: Okay, the next topic is
40 cooperative management with Native organizations. During
41 the planning effort we kept in front of us the need to work
42 closely with Native communities to support local
43 involvement in the management of subsistence fisheries.
44 During the summer we completed an inventory of fisheries
45 projects conducted by Native organizations. We learned
46 that a large number of field projects are already ongoing.
47 We want to build on this capability as we implement the
48 fisheries program. Naturally it will take several months
49 to identify, design and initiate field projects for
50 cooperative involvement but our goal is to start several

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1 projects during the first fishing season in the summer of
2 2000 and then build a program in future years. Selection
3 of field projects will be based on state wide priorities
4 for information. The types of projects we are considering
5 include conducting village harvest surveys managing fish
6 monitoring stations to insure adequate escapement for
7 subsistence and spawning. Things such as fish wheels,
8 counting towers, test fishing and so on, and cooperative
9 management planning.

10
11 Are there any questions or comments on that?

12
13 MR. NICHOLIA: How much do you figure to
14 involve the Native and tribal organizations within this
15 structure?

16
17 MS. FOX: We're actually planning to focus
18 about 60 percent of our budget on additional information
19 gathering, analysis and monitoring related to the resource.
20 And when I say that, that does include the hiring of some
21 field biologists but we do plan on contracting or
22 cooperatively agreeing, you know, with tribal organizations
23 or other Native groups in the villages to actually do some
24 of this work. I don't know, I don't have the exact figures
25 right now.

26
27 MR. NICHOLIA: Are you going to incorporate
28 traditional knowledge into this?

29
30 MS. FOX: Yes. Yes we are, very much so.

31
32 MR. NICHOLIA: And an organization such as
33 AFN, TCC, and IATC and CATG, you know, some tribes like
34 Fort Yukon and Tanana, they're -- if they're compacted and
35 we don't really get the information that gets sent to TCC.
36 Sometimes they think we get it, would it be -- it would be
37 wise to direct, like some of your information to Fort Yukon
38 and Tanana into organizations right here, number 3 task,
39 because sometimes I find out things too late working for
40 Tanana Tribal Council, and it may be because I don't get it
41 from TCC management or their office soon enough to respond.
42 I get a lot of things behind time so I don't really miss
43 deadlines or nothing, but I'd really like to put my input
44 in some of this.

45
46 MS. FOX: Okay. Well, we need to make sure
47 that you're on the mailing list or any groups related that
48 aren't -- if they aren't already, and then you can get the
49 information directly. So we'll get that at a break.

50

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1 MR. NICHOLIA: Thank you.

2
3 MS. FOX: Thank you.

4
5 CHAIRMAN MILLER: You got a question Dan.

6
7 MR. ALBRECHT: Just a quick question on the
8 cooperative management. I talked to Taylor Brelsford a
9 little bit about this and also on the phone with Taylor and
10 I've seen a version of the Office of Subsistence Management
11 newsletter which is kind of like the same, Issue Paper #2
12 but refers to rural fisheries organizations or fishermen's
13 associations and other groups, et cetera.

14
15 MS. FOX: Yes, correct.

16
17 MR. ALBRECHT: And given that ANILCA is
18 about rural and all that.....

19
20 MS. FOX: Right.

21
22 MR. ALBRECHT:is this going to be
23 updated to basically reference that the Service and the
24 Office of Subsistence Management would not only consult
25 with tribal and Native organizations but other groups, as
26 appropriate?

27
28 MS. FOX: Yes. Actually that's what is in,
29 and you're reading from the implementation plan, from the
30 issue paper, and we do also cooperatively work with the
31 State. Under Section .809 of ANILCA it authorizes us to do
32 these type of cooperative agreements, and those will
33 include the State Fish and Game Department, other
34 organizations like Bering Sea Fishermen's Association,
35 YRDFA, again, Native groups -- it depends on where the
36 State priorities are and what the need is from a program
37 standpoint but we are really focusing on trying to make a
38 lot of money available to groups who are local to where the
39 fisheries issues are to help us with that information
40 gathering.

41
42 MR. ALBRECHT: Because the reason I ask
43 about it is I've almost seen two different versions of this
44 same document. One, this version which is an older one, I
45 guess, and then one that came out on the e-mail -- the one
46 that the newsletter was e-mailed out to people and it
47 refers to -- and it looks like Taylor had added language
48 about regional fisheries association or rural groups or
49 whatever. So I just wanted to clarify which version is
50 which, that's all.

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1 MS. FOX: Okay, thank you.

2 MR. ALBRECHT: Thanks.

3

4 MR. C. TRITT: Are we talking about this
5 Federal side cooperation -- co-management, I mean?

6

7 MS. FOX: Yes, I'm only addressing what we
8 would do from a Federal standpoint related to the Federal
9 jurisdiction, if I understood your question correctly.

10

11 CHAIRMAN MILLER: Any other questions?

12

13 MR. JAMES: Yes. I work as the natural
14 resource director for CATG.

15

16 MS. FOX: Uh-huh.

17

18 MR. JAMES: And for a number of years now
19 we've been doing fish and moose harvest data surveys and we
20 have a base of eight years now. And you know, these other
21 organizations that you're talking about, I think there's
22 going to have to be some kind of cooperation --
23 communication flowing. You know, one time or another we're
24 going to have to meet these other people here and kind of
25 explain what role they play and where at and get it out on
26 the tables. Because we don't want to have no
27 interconflicts with the other organizations that's going to
28 make decisions for us and then we have another
29 organization, a tribal, we're Federally recognized -- like
30 tribes that are coming in and they would establish a
31 program and resource there so in your implementation plan I
32 think they -- I think that sometime between now and January
33 or the spring when these fish will kick in is that we need
34 to meet with these other organizations, you know, and plan
35 where they're at and the playing partners. We don't want
36 to have a miscommunication, we really want to recognize our
37 tribes.

38

39 MS. FOX: That's a very good point. And I
40 guess we would look for some counsel from this council,
41 some advice and so on on how to sort out some of those
42 issues.

43

44 CHAIRMAN MILLER: Any other questions?
45 Okay, go ahead, Peggy -- oh, wait, Connie.

46

47 MS. FRIEND: Connie Friend and I'm with the
48 upper Tanana subregion of Tanana Chiefs. And my question
49 is, is the Federal government interfacing with the tribes
50 on a government-to-government basis or on a government-to-

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1 subcontractor kind of basis? Is this, you know, policy
2 making agreement or is it more, you know, once again, we
3 need information and we'll contract to you to bring us the
4 information?

5
6 MS. FOX: Well, it's -- primarily as a
7 contracting type relationship at this point. However, we
8 have been, through the wildlife program, expanding into
9 more, what we still call cooperative management planning,
10 where we try to bring everybody together as equals and try
11 to look at some of these wildlife issues. And we're hoping
12 that we can move along those directions where everybody
13 comes to the table who has an interest in the issue whether
14 it's fisheries or wildlife and work together to resolve it.
15 So I don't think we would call that government-to-
16 government, necessarily, but it's an effort to cooperate to
17 solve some problems or resolve some issues.

18
19 MR. L. TRITT: Person-to-person.

20
21 MS. FOX: Person-to-person, yes.

22
23 MS. FRIEND: Thank you.

24
25 CHAIRMAN MILLER: Are there any more
26 questions? Hearing none, I guess we can go ahead.

27
28 MS. FOX: Okay, the next topic that I'm
29 going to cover, Federal/State cooperative management
30 strategy. Just as with managing wildlife, an effective
31 Federal Subsistence Fisheries Program will require close
32 cooperation with the Alaska Department of Fish and Game.
33 And this is necessary because the State will continue to
34 have management authority over fisheries throughout the
35 state. With mixed State and Federal jurisdiction, close
36 cooperation and coordination of management activities
37 between State and Federal managers is extremely important.
38 Three meetings have taken place since September of 1998
39 between the chairs of the Alaska Board of Game and Fish,
40 the Commissioner and Deputy Commissioner of Alaska
41 Department of Fish and Game and the Federal Subsistence
42 Board. In the most recent meeting on June 28th, Dan O'Hara
43 and Willie Goodwin were also present. And for those of you
44 who may not know if you're a new member, those are two
45 other Regional Advisory Council Chairs. These meetings
46 resulted in a mutual understanding of similarities and
47 differences in our positions.

48
49 For example, both State and Federal managers place
50 conservation of the resource as the first priority. Among

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1 users, both State and Federal managers, see subsistence
2 needs as having priority over other uses of resources.
3 However, separating rural from non-rural users is where we
4 cannot find resolution, and the State cannot differentiate
5 among residents. Moreover, the Board and Councils want to
6 maintain their existing relationship whereas the State must
7 continue to work with advisory groups who represent a
8 broader constituency. Thus, we will continue to have a
9 separate regulatory process for both wildlife and
10 fisheries. Nevertheless, even though there will be a
11 separate process, we must have a high level of coordination
12 and cooperation between the State and Federal fisheries
13 programs to be successful.

14
15 We've recently established a work group made up of
16 both State and Federal Staff to begin defining how the two
17 programs will coordinate. Topics that they will consider
18 are how information will be shared and managed. And I'd
19 like to say that it is the intent of the Federal program to
20 add to the total information not to try to duplicate
21 anything that the State may be doing. How fisheries
22 management planning will be coordinated. How we will
23 coordinate pre-season, in-season, and post-season. How to
24 coordinate our respective regulatory processes. There is
25 some interest in having the councils review subsistence
26 proposals that go before the Board of Fish and we're going
27 to try to see if we can't get some more collaboration on
28 some of those proposals that go both ways. And lastly, how
29 to strengthen the interaction between the Regional Advisory
30 Councils and the local advisory committees. Our immediate
31 objective is to have a draft agreement ready for your
32 review and comment at the January orientation session of
33 the regional councils, or at the latest, at the winter
34 regional council meetings to be held in February and March.
35 Our goal is to have an agreement with the State in place
36 during the first year of the fisheries program.

37
38 And I'll pause here for questions or comments.

39
40 CHAIRMAN MILLER: Go ahead.

41
42 MR. JAMES: Starting from today up to
43 January when we meet in the training session, from there
44 until probably April, so we're looking at eight months
45 there to where your final plan will start kicking in?

46
47 MS. FOX: Yeah, and it actually -- it's
48 kind of an evolving plan. I'm not -- I don't think that
49 we'll have everything worked out by April. We actually
50 looked at this first year as a time to transition because

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1 only until October 1st did we even know if we could hire
2 people or start working on contracts and identifying
3 projects that need to be done or start working with the
4 State in more detail in terms of a protocol; how we're
5 going to work together. So until October 1st came, we held
6 off doing a lot of things so it's going to take us probably
7 most of this year to really get into full swing. However,
8 we're going to just kind of have to track with this and
9 phase it in as our capability builds.

10
11 MR. NICHOLIA: A comment you said, you guys
12 are not going to duplicate the State law but add something
13 to it, would that be like by Stevens Village or wherever
14 this border ends, would it -- after it passed the plan
15 would it kind of reflect the same law that if a person was
16 like say on the eastern and western interior border, we're
17 right -- Tanana is right on the edge, would it have a
18 similarity between -- after the water passed that point to
19 the next one, if somebody was fishing right like, say,
20 right on the line there or something; one way or the other,
21 would it.....

22
23 MS. FOX: You mean in terms of how we
24 regulate the fishing?

25
26 MR. NICHOLIA: (Nods affirmatively)

27
28 MS. FOX: Well, I guess that's what I
29 wasn't -- I wasn't talking about regulations when I said we
30 didn't want to duplicate what the State's doing. What I
31 meant there is it had to do with the State is gathering,
32 you know, an enormous amount of information about fisheries
33 and doing a lot of survey on harvest, and we're not going
34 to do the same thing that they're doing in the same areas,
35 we're going to try to add to that and any money we get will
36 contribute to adding to the total amount of information we
37 have about fisheries. As far as regulations go, they're
38 not going to be the same, there are always going to be
39 differences, just as with our wildlife program. Over the
40 last eight or nine years, in some ways we've kind of gone
41 back and forth in being different and now we seem to be
42 swinging towards having a lot of common, the same
43 regulations, but with some important differences.

44
45 MR. NICHOLIA: Okay.

46
47 MS. FOX: So they will never, I don't think
48 ever be the same unless only one -- if the State takes it
49 back then it will always be the same.

50

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1 MR. NICHOLIA: Can I make a suggestion
2 right now?

3
4 MS. FOX: Yes.

5
6 MR. NICHOLIA: Could you like the fisheries
7 managers on the refuge side and another fisheries manager
8 on the State side, could you keep the same dates open and
9 try not to overlap different dates or anything?

10
11 MS. FOX: That is definitely something that
12 we want to try to do.

13
14 MR. NICHOLIA: Okay.

15
16 CHAIRMAN MILLER: Go ahead, Vince.

17
18 MR. MATHEWS: All that will be before you
19 Gerald, that will be something the Council will have to
20 balance out. The program is built on the Council's
21 providing recommendations to the Board. You guys are going
22 to have to wrestle with, is it best to stay in align with
23 State seasons or not. So we will have, probably pretty
24 good discussions when you decide for whatever
25 justifications to decide to split from existing
26 regulations. So it will fall in your court, a lot, to do
27 -- to give directions to the Board and to the program on
28 how to deal with that. For you and for managers it's best
29 to keep them all the same but you're charged to look at
30 providing for the protection of subsistence uses and needs
31 so that's where it might split, and then as Staff, we're
32 going to have to give you, if you go this way what happens,
33 if you go that way what happens, but you guys are the ones
34 that are going to make the recommendations and the Board is
35 going to have to decide if they accept when you diverge or
36 decide if your decision to stay aligned meets the criteria.
37 So there's going to be a lot of discussions and probably a
38 lot of teleconferences when we get there.

39
40 MR. NICHOLIA: The reason why I asked that
41 is because we aligned a lot of -- Yukon-Charlie or
42 Wrangell, we aligned a lot of things with the State so it
43 wouldn't be so confusing, both on the State and the Federal
44 side to the hunters or the fishermen.

45
46 MS. FOX: I would like to point out that
47 the regulations that are in effect right now are almost
48 exactly the same as the State's. That's our starting
49 point. And there are few differences, and none of -- I
50 think the only one that might apply to this area is the

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1 fact that we do consider rod and reel type fishing as a
2 traditional use and so we do categorize that as subsistence
3 where the State doesn't. But any changes to those
4 regulations, any deviation from how they're similar is as
5 Vince indicated, up to the Councils.

6
7 CHAIRMAN MILLER: Go ahead, David.

8
9 MR. JAMES: Could I?

10
11 MS. FOX: Yes.

12
13 MR. JAMES: You mentioned about
14 duplications of information, data and you also mentioned
15 that you're going to get some other information in
16 implementing your strategy plan, the other one that we can
17 bring right now is learning how to implement traditional,
18 as Gerald said, knowledge into your plan. There's a very
19 lack of traditional knowledge in both State and Federal
20 plans right now. And it seems like funds was probably part
21 of it there or other reasons, but in order to have a good
22 management plan, you have to have a good traditional
23 information coming from the local people, as stated in the
24 Fortymile herd there, where they really worked well, they
25 learned there from Canada there. That's a key area that I
26 really believe you need to concentrate on into having a
27 good management plan. This really has to be implemented
28 into your -- the traditional knowledge really has to be
29 implemented there. Because when we duplicate the same
30 thing, this crash of '92, was the first one in 1900s, it
31 happened three times before up here, you know, and a lot of
32 our elders still remember fish spawning grounds in the area
33 and there's nothing there. They don't go for one reason or
34 another. And when we do make a management plan we will
35 need to address all these things here. So that's, you
36 know, my suggestion, we really need that. Thank you.

37
38 CHAIRMAN MILLER: Go ahead, George.

39
40 MR. SHERROD: Well, when Peggy talked about
41 the organization structure, to-date, the Office of
42 Subsistence Management has not been involved in research at
43 any level. Basically we've relied on the research
44 conducted by other people to allow us to analyze proposals
45 and so on. This group -- these additional people that are
46 coming on, some of them are social scientists and there
47 will be research undertaken which will allow, for the first
48 time, an avenue or a greater avenue for traditional
49 knowledge and some of these other pieces of information
50 that have been lacking in the program to-date to make its

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1 way into the process. So even though there may not be
2 another George, there will be some other social scientists
3 to decide -- they're not going to be all fisheries
4 biologists, so in developing this it's moving forward, it's
5 a growing refining entity. There will be an avenue for
6 traditional knowledge to make its way into the system. And
7 I'm sure that as these people come on board and as this
8 body of data gatherers starts working, that they will be
9 working with the regional councils and relying very heavily
10 on your input as to what kind of data is needed and how
11 best to achieve that. Is that.....

12
13 MS. FOX: Yes, thank you George.

14
15 MR. NICHOLIA: So I would assume that you
16 would want me to go talk to my aunties and uncles and
17 elders more now?

18
19 MS. FOX: Certainly.

20
21 MR. L. TRITT: This strategy plan you got
22 here, it might be a good idea to spend some of that money
23 in the villages, you know?

24
25 MS. FOX: Yes.

26
27 MR. L. TRITT: Yeah, you'll get a lot more
28 feedback that way probably.

29
30 MS. FOX: I think one of the key vehicles
31 to incorporating traditional environmental knowledge in the
32 fisheries work that's to be done is to try to also get that
33 through fishery -- the revision of fishery management plans
34 and to help us understand the different, you know, the
35 dynamics and how these stocks were used, where they were,
36 where they aren't now, as David pointed out. There's
37 others -- things like that, information that can be brought
38 forward that may be helpful in revising those and maybe
39 changing some of the allocations and some of the decisions
40 that come out of those that are used when they decide to do
41 openings and closures eventually. So there's quite a bit
42 of consideration for that. And I think as George
43 indicated, will result in some close working relations with
44 villages in order to get that information.

45
46 MR. JAMES: Could I have one more question?

47
48 CHAIRMAN MILLER: Go ahead.

49
50 MR. JAMES: Peggy, there's one more there.

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1 One of the concerns I have, you know, you're setting up
2 your management body or within the agencies there and going
3 to get another staff there, get another biologist there,
4 some fisheries there, technicians there, I think one of the
5 things that I see a lack in is that we don't have a local
6 person on staff. We have a local one, Paul Williams, but
7 we need -- but what I really mean is that we really need to
8 utilize, you know, get our local people on as a subsistence
9 coordinator within our area. You know, give that person
10 the, you know, the authority to get in there and really
11 work with the tribes and bring that work together, that
12 information. I mean where I'm getting at is that a lot of
13 these positions require, you know, 10 years, four year
14 college degrees, university, you know, if we can find --
15 one of the avenues that we find a -- like Paul, you know,
16 he really has the knowledge of the Yukon Flats and can
17 really help the agencies understand of our area and getting
18 communication and information and have a good management
19 plan in place.

20
21 MS. FOX: Well, that's a point I will take
22 back to the other agencies as well as to the Fish and
23 Wildlife Service. Of course, agencies are spread out all
24 over and we all are working on a joint staffing plan. But
25 I will take that suggestion back and try to get it a good
26 hearing.

27
28 CHAIRMAN MILLER: Any other questions? Go
29 ahead.

30
31 MS. FOX: Okay, the next topic is regional
32 advisory council structures. A couple of years ago we
33 started -- or we surveyed the councils on the need to
34 restructure the council system in response to common
35 fisheries issues. And at that time the councils along the
36 Yukon and the Kuskokwim were the only ones that indicated a
37 need for any further discussion on that. And as you all
38 know you are one of the three regional advisory councils
39 that overlay the Yukon and that the Western Interior and
40 Yukon-Kuskokwim regions overlay the Kuskokwim. So we
41 recognize we need to develop a way to coordinate fisheries
42 issues between these councils around those drainages. And
43 we're beginning to work with the councils to promote
44 communication and coordination and that is a topic that
45 Vince will take the lead on later on under the section
46 where we need some action or recommendations from you.

47
48 I'm not sure if you've had any meetings thus far as
49 far as the three councils along the Yukon?

50

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1 MR. MATHEWS: A couple of times we have,
2 like you said, brought up to them their thoughts on how to
3 deal with drainage wide but we were pending because of
4 moratorium.

5
6 MS. FOX: Okay.

7
8 MR. MATHEWS: So now it's back before them
9 in actuality.

10
11 MS. FOX: Okay. So Vince has a more
12 focused discussion on that so we can get something
13 initiated here in the very near future. So I'm going to
14 just leave that for Vince to talk about in more detail
15 later and move on to the next subject.

16
17 The next subject is extraterritorial jurisdiction.
18 There is a handout in your packet that you might -- I want
19 to bring to your attention as I talk about this. Since
20 1995 we've been acknowledging the Secretary's authority to
21 extend jurisdiction beyond Federal lands and waters, if
22 necessary, to protect subsistence fishing and hunting that
23 occurs within Federal jurisdiction. We recognize that
24 management of migratory species such as salmon may require
25 adjustments in allocations down stream beyond Federal
26 jurisdiction to protect subsistence uses. This authority,
27 however, has not been delegated to the Federal Subsistence
28 Board. We further recognize that the public needs to know
29 how this will work.

30
31 Recently we prepared draft procedures for handling
32 petitions requesting such extensions of jurisdiction for
33 the Secretary's review. That's what you have before you.
34 This is what we sent to the Secretary. It's important to
35 note that these powers have seldom been applied by the
36 Secretarys. If there are extreme circumstances in which a
37 fisheries resource is being depleted outside of a Federal
38 area to such an extent as to cause a failure in subsistence
39 harvest within a Federal area, the Secretarys can extend
40 Federal jurisdiction to provide a remedy. This process
41 will not follow the normal annual regulatory process.
42 Serious petitions for extension of Federal jurisdiction
43 will involve consultations with the State of Alaska and
44 other fisheries authorities as well as a thorough analysis
45 of the best available scientific information. We will
46 advise the councils when these procedures become available.

47
48 And I think this was sent about a month ago and we
49 don't really have any indication of when we might be
50 hearing from the Secretarys on that. Are there any

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1 questions?

2 MR. MATHEWS: I think when we get into
3 fisheries you're going to be looking at the final of this
4 in more detail but this is addressing the concern some of
5 you have. Gerald's already touched upon it that Federal
6 lands -- or Federal waters are not near his area, et
7 cetera, et cetera, and wanting, possibly, to have Federal
8 protections. You'll need to look at this a lot more
9 closely when we get into that. But the key thing is
10 failure of subsistence priority and documentation of that
11 so they can extend off. So this gives you a general idea
12 of where we're going. I think Peggy may have said it but I
13 may not have heard it, this is not going to happen
14 overnight. The petition is not going to be acted on
15 overnight, it has huge implications. It doesn't mean you
16 can't go forward with one it just means that you have to do
17 your homework when we get to that point which will be down
18 the road some ways. So if you do have other questions
19 about it, later on, give us a call on it because you'll be
20 involved with this because of the fact of the make up of
21 your region and at some point there will probably be some
22 petitions, possibly in your region. So you're going to be
23 directly involved in this and Western and possibly Y-K, so
24 it's something to just be aware of.

25
26 CHAIRMAN MILLER: Any questions?

27
28 MR. GOOD: Yes.

29
30 CHAIRMAN MILLER: Go ahead, Nat.

31
32 MR. GOOD: Well, it's kind of a statement,
33 I think. I think what we're saying here is that materials
34 or petitions will not pass directly through us, they will
35 essentially bypass us and bypass the State Board and go
36 directly to the Secretary of the Interior or Secretary of
37 Agriculture, if they deem it -- and I read this someplace
38 else I think, if they deem it necessary to follow up then
39 it would come back to us and we would become involved; am I
40 understanding that correctly?

41
42 MS. FOX: It will come back to the Board
43 and, yes, a lot of people will be involved with it. The
44 councils will be involved. I'm sure that if the Secretary
45 felt it was justified to further analyze and ask the Board
46 for a recommendation then it would initiate quite a series
47 of meetings and hearings and quite a bit of working with
48 other agencies such as National Marine Fisheries, of
49 course, the State and the councils that are involved or
50 affected. It would be quite a process of trying to

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1 determine where the problem is and what the remedy might
2 be. And I can imagine it would take a couple of years. So
3 it's not going to happen, as Vince indicated, overnight.
4 Because if it is a -- if a petition is accepted and there
5 is a remedy found that includes extension of
6 extraterritorial jurisdiction, it is not done for one
7 season it is done for a long-term, unspecified; I won't say
8 forever but for a long period of time. So it's really a
9 major Federal action and that's why we want to really make
10 sure we know what we're doing, and that's kind of hard with
11 fish.

12
13 CHAIRMAN MILLER: Any more questions?

14
15 MR. NICHOLIA: The only question I have
16 would be if the fish species was in a really distraught
17 state and you needed really action, like within the next
18 year, would that be a possibility?

19
20 MS. FOX: I think that that might take
21 something going through the court system. Because the
22 information gathering, the analysis, the debate over policy
23 and recommendations, it just takes a while. Our own
24 regulations take a whole year for some changes and we're
25 talking about something a lot bigger at stake.

26
27 CHAIRMAN MILLER: Any more questions? Go
28 ahead.

29
30 MS. FOX: The next subject is customary
31 trade. The definition of subsistence uses in Title VIII
32 includes customary trade as a legitimate subsistence
33 practice. In regulation customary trade includes the sale
34 of subsistence taken fish as long as it does not constitute
35 a significant commercial enterprise. This permissive
36 customary trade regulation is designed to permit the
37 practice of selling small quantities of fish to keep this
38 practice separate from commercial sales. We recognize that
39 there may need to be additional regulations to further
40 define customary trade practices on a regional basis to
41 ensure the separation and prevent abuse of the regulation.
42 We are initiating a process to identify those customary
43 trade practices in each region in consultation with each
44 advisory council.

45
46 And again, this is a subject for later that George
47 will take the lead on and try to initiate some definition
48 on what the customary trade practices are in the region and
49 he'll do that a little bit later in the agenda, and give
50 you the big picture of how we're going to pull that

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1 information together. So maybe we'll move on and if you
2 have any questions on that -- unless there's something you
3 really want me to cover right now, I will, or you could ask
4 George later on?

5

6 CHAIRMAN MILLER: We'll bother George
7 later.

8

9 MS. FOX: Okay. The next subject is the
10 planned orientation session. We've recognized the need for
11 further training and orientation for the new Federal
12 Fisheries Program. And last month you received a notice
13 that we would be conducting an orientation session for all
14 councilmembers as well as agency field personnel in
15 November. Recently we decided to postpone the session
16 until January or February of 2000. We did this for several
17 reasons. First, we simply did not feel that we could do a
18 credible job with a program of this magnitude in November
19 and that we needed more time to do adequate planning. Some
20 of the details about how the Federal Fisheries Program will
21 work are still evolving. In particular, we wanted to have
22 a better understanding of our relationship with the
23 Department of Fish and Game, and as stated earlier, these
24 consultations are still ongoing and are likely to be
25 ongoing through November. Moreover, we are only beginning
26 to recruit for fisheries staff and hope to have some of
27 these key members in place by January so they can join us
28 in the orientation session. The proposed dates and a draft
29 agenda are subject of another agenda item that Ida
30 Hildebrand will take the lead on, again, a little bit later
31 in the meeting.

32

33 The last subject I wanted to talk about is the
34 fisheries regulatory process and you have a handout on that
35 as well. It looks like this. The current fisheries
36 regulations cover the 2000 fishing season. However, we'll
37 be starting the new fisheries regulatory process for the
38 2001 fishing season later this winter. In fact, looking at
39 the handout we will begin soliciting proposed changes to
40 fisheries regulations starting January 4th. This process
41 will be similar to the wildlife process, however, the
42 fisheries process will begin with the winter council
43 meetings in February and March. At that time we will be
44 requesting changes for the 2001 fishing season as I
45 indicated, and proposals for these changes will be
46 evaluated and presented to the councils for review and
47 recommendations during your fall meeting. We anticipate
48 the Board will deliberate and make decisions on changes to
49 fisheries regulations in December of 2000.

50

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1 We'll work with this schedule for probably the next
2 two years and then ask for council input for any need to
3 modify it. Again, this was a subject that was brought up
4 to the councils trying to find out in the last couple of
5 years whether or not we wanted to have four meetings, two
6 devoted to wildlife, two devoted to fisheries or whether we
7 wanted to combine fisheries and wildlife proposals and
8 discussions of issues in with the two meetings that you
9 have right now. And the consensus of the councils was to
10 -- at that time, was to just add to the existing window for
11 your meetings and so starting next winter you may have the
12 need to add another day or so to your meetings in order to
13 address fisheries.

14
15 MR. NICHOLIA: Instead of three days it
16 will be more like five or six?

17
18 MS. FOX: It depends on how many proposals
19 you come up with, I guess. Maybe early in the program it
20 will be longer and later on, like with wildlife, we've seen
21 the meetings kind of get smaller and more focused. But
22 anyway, we're going to try that for the next couple of
23 years and if you want to recommend a change to that then we
24 can take that input at that time.

25
26 Okay, with regard to fisheries regulations for your
27 region, I already mentioned that the only change that
28 affects your region between the State fisheries regulations
29 and our regulations is the fact that rod and reel is a
30 legal fishing method under Federal subsistence regulations
31 but not under State regulations.

32
33 And that concludes my progress report. If there
34 are any other questions or comments I'd be glad to try to
35 answer them at this point.

36
37 CHAIRMAN MILLER: Any more questions?
38 Okay, thank you.

39
40 MR. MATHEWS: Mr. Chairman, I think it
41 might be best, we talked about an executive session to deal
42 with council membership. I think it might be time now to
43 take a break and go into the executive session before we go
44 into these action items. And I believe Dan wanted to speak
45 before we started those action items so we may want to see
46 if he wants to do that now or wait until we come back from
47 executive session.

48
49 MR. ALBRECHT: I can wait, I'll be here all
50 day.

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1 MR. MATHEWS: Okay, I think it might be
2 best then to take a break. It's right now a little bit
3 after 3:00, I would say we would be back here probably at
4 3:30 or 3:35.

5
6 CHAIRMAN MILLER: 3:35, right.

7
8 MR. MATHEWS: Yeah, so we need to take a
9 break and then go over to the CATG office for our executive
10 session.

11
12 (Off record)

13
14 (Executive Session)

15
16 (On record)

17
18 CHAIRMAN MILLER: I'd like to call this
19 meeting back to order please.

20
21 MR. MATHEWS: Mr. Chairman, we left off
22 after -- before we went on break there finish council
23 progress report on different items out of the
24 implementation plan and we're going to go into the
25 action/recommendation. But Dan Albrecht was going to
26 discuss -- provide some more background information on
27 Yukon River Drainage Fisheries Association.

28
29 MR. ALBRECHT: Mr. Chairman, members of the
30 Council, again, for the record, Dan Albrecht, Executive
31 Director, Yukon River Drainage Fisheries Association. A
32 couple things about YRDFA and then just some comments on
33 the regional council structure issue. A couple handouts
34 I've passed out, one is our newsletter, it was just printed
35 and has just gone out in the mail. This is mailed to 2,500
36 different addresses. It goes to all 950 commercial permit
37 holders in the Alaska portion of the Yukon drainage,
38 roughly 1,000 households up and down the different, 42
39 villages of the Yukon drainage. And that data base is from
40 the subsistence survey used by the Department. And it's
41 also mailed to all the village council offices, city
42 offices and corporations, tribal groups and so on and so
43 forth and agency folks. The next thing here is a list of
44 the board of directors and the alternates of the
45 association. We just recently finished elections in June
46 and it outlines the 16 board of directors and then the 14
47 alternates. And for clarification, according to our
48 bylaws, at the annual meeting which is where we do most of
49 our voting on anything, it's both the board of directors
50 and the alternates who cast ballots. So we try to maximize

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1 the number of votes at the annual meeting. So in theory we
2 could have up to 30 people voting on things at an annual
3 meeting such as the management plan and things like that,
4 and proposals.

5
6 Also everyone on this list is also a subsistence
7 user. As you know, like the Yukon and the Kuskokwim and
8 most of the fisheries in Y-K, the commercial permits are
9 owned primarily by local people, there's really not a lot
10 of outsiders. They're not big money fisheries so a lot of
11 outside people haven't bought into the fishery. So some of
12 these folks, yes, they have a commercial permit, some of
13 them may or may not use it depending on their area. But
14 all of them are also subsistence users, too. And we have
15 one person who's sort of a sport user as well in addition
16 to being a subsistence user. So that's that information.

17
18 On the back side of the list of board members and
19 alternates is the form that we filled out and sent into
20 Vince. Vince had requested an inventory of tribal and
21 village activities in fisheries management. And I
22 apologize for my handwriting but maybe Vince will cleanup
23 the final version. They outline the three big things that
24 we do to contribute to fisheries management issues. The
25 in-season conference calls, the three and a half, four day
26 annual meeting, and then this newsletter.

27
28 But the real reason I wanted to talk to you was
29 just to clarify a couple of things. First of all, I
30 haven't mentioned but it last year when we met in Alakanuk
31 we selected the site for our 10th annual meeting, and that
32 10th annual meeting will be here in Fort Yukon. The Native
33 Village of Fort Yukon invited us. They were there at the
34 meeting in Alakanuk and said, why don't you guys come up
35 here next year so that's where we'll be. We haven't set
36 the date it will be probably be late February or early
37 March and it will be here in Fort Yukon, and of course, all
38 of you will be invited.

39
40 The other thing I'd like to clarify, over the last
41 few years, YRDFA has made comments on the issue of council
42 structure. In 1997, which was relatively early in the
43 discussions over fisheries management we did have a
44 resolution in 1997, which was our annual meeting in
45 Mountain Village, that said, YRDFA works a lot on
46 management issues. The resolution said, Dear Federal
47 Government, please recognize the role that YRDFA plays and
48 give us some sort of role in fisheries management. In 1998
49 we met in Kaltag, some of you were here at the meeting, I
50 know Ida was there at the meeting, and we discussed the

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1 specific issue of should YRDFA be the 11th regional
2 council, and we actually had a resolution on the table. It
3 was discussed at the Kaltag meeting, should we be the 11th
4 council. And we talked about it there, the board members
5 and the alternates talked about it and basically said, no,
6 and we voted to table the motion and, therefore, it died.
7 And the reason was one, we didn't want to live with FACA.
8 Two, we wanted our association focus to be, you know, voted
9 on -- be elected by their people from the region rather
10 than appointed by the Secretary of the Interior. And three
11 -- the other issue was, well, you know, YRDFA does a lot of
12 other things and let's just -- you know, we don't need to
13 do this. But we did agree on, after we killed that motion,
14 we said, well, do we all agree that there should be an 11th
15 council, and we did pass a motion to write a letter as part
16 of our testimony back in April 20th, 1998 comment deadline
17 in one of the Federal documents, the Federal Register,
18 which basically said, yes, there should be an 11th council
19 for the Yukon. and it should work on consensus like the
20 way YRDFA does, and we think an 11th council would be an
21 appropriate thing to do for the Yukon.

22
23 So I'll I'm here to say to that is that I know
24 there's a couple of different options being floated around
25 about how to structure the council. I believe one of your
26 options that's presented by the Staff is to have an ad hoc
27 council created out of two or three people from each of the
28 three different councils that overlap the Yukon. That idea
29 certainly has some merit and all. So that's all I wanted
30 to present was that we found it useful, these last several
31 years, in dealing with the Board of Fisheries process and
32 dealing with allocation issues, subsistence issues,
33 enforcement issues, to get everybody on the Yukon together,
34 come together for several days and work on a consensus
35 principle that whatever we agree on, we all agree on it,
36 complete census there, as a mechanism for presenting things
37 to the appropriate entities. In our case it's usually been
38 the Board of Fisheries since they have adopted the
39 management plan. So all I would say is that it sounds like
40 you guys are moving towards some sort of consultive model
41 or cooperation with the other three regional councils, then
42 I would just encourage that, whether it technically is an
43 11th regional council or an official one, it's just
44 somewhat besides the point but I think the key thing is to
45 make sure that everybody on the Yukon is talking to each
46 other. And I think that's the best way to prevent
47 conflict.

48
49 I don't think these issues ever really go away. I
50 mean YRDFA's been working for nine or 10 -- nine years now.

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1 And the up river, down river issues never really go away,
2 they're always there. They've developed over centuries and
3 the commercial things have developed over the last 20 or 30
4 years of allocations. But what I think the process does is
5 it gets it to a manageable level. And if you don't have
6 people at the table from the different areas of the river
7 talking to each other then we start getting into basically
8 people filing lawsuits and people going to, be it the Board
9 of Fisheries or the Federal Subsistence Board or Congress
10 or whoever, saying with each different region of the river
11 fighting with each other. And ideally what we want to do
12 is get everybody to work together, build a consensus and
13 then bring it to whoever the authority figure is and say we
14 worked out our own problems ourselves. And then those --
15 so therefore the policy makers, be they Board of Fisheries
16 or on the Federal Subsistence Board understand that the
17 people on the Yukon have worked out their own solutions
18 which are workable for everybody.

19
20 That's basically it.

21
22 CHAIRMAN MILLER: Any questions for Dan?
23 Thank you, Dan.

24
25 MR. JAMES: I have one for Dan.

26
27 CHAIRMAN MILLER: Go ahead.

28
29 MR. JAMES: An organization has been
30 developed, that this is a large area and over time how does
31 this information get down to the tribal level and the
32 community -- or the tribal input gets into the YRDFA plan
33 -- Fort Yukon presented a plan last year and Steven Ginnis
34 sent an allocation plan a few years back and it seems like
35 tribal government and our representative never got no
36 support up there from Yukon River drainage -- I mean
37 support -- I mean it seems like we have an issue, like you
38 were talking about, up river or down river, that's going to
39 be one of the main issues there. And it don't seem like
40 there's a workable process to address that. It just seems
41 like your -- that organization, you get one representative
42 there and that -- I think one of the things I see in
43 organization development is that you're going to have to do
44 a short range and a long range goal besides going to
45 agencies. Because you're going to have to go to these
46 regions, though, and sit down and do a work session with
47 them and plan with them. And you're going to have -- if
48 you want this to be successful and the tribes are going to
49 have to understand that if they want to get their tribal
50 jurisdiction to another organization, then you're going to

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1 have to really explain that to them. Because a lot of
2 these tribes do not realize what kind of jurisdiction
3 they're giving away in their resolutions.

4
5 And that's one of the things I've seen in this
6 organization here that really needs to -- and one of our
7 issues up here is our main stream stock from Canada. We
8 have a large environmental program that's been partially
9 almost successful in getting Canadians into stopping there
10 -- right now Canadians are pumping over 20,000 gallons of
11 raw sewage right into the Yukon River of where the egg fry
12 is coming right down. And these are some of the issues
13 that -- some of the issues that really need to be addressed
14 by the State and the Federal and other organizations, you
15 know? And I don't know, Canada's got really weak
16 environmental laws and we're going to continue protecting
17 our stocks on the Canadian side we're really going to have
18 to work with other organizations up there, they're really
19 polluting the river.

20
21 MR. ALBRECHT: In answer to the question,
22 the resolution you're referring to by the Native Village of
23 Fort Yukon was brought up at the annual meeting last year
24 in Alakanuk. Because it dealt with the management plans
25 and the Board of Fisheries proposal deadline is April 2000,
26 okay, there was a sense that we should delay action on this
27 issue to the Fort Yukon meeting. And the motion was to
28 table that resolution by the Native Village of Fort Yukon
29 to the Fort Yukon meeting. But there was one no vote on
30 tabling that by the representative from this area so it was
31 not tabled to this meeting. It will certainly come back up
32 again. And so there was a reluctance on the part of some
33 of the folks of the board of YRDFA to talk about that
34 resolution when it was more appropriate to talk about it as
35 a Board of Fisheries proposal. So that's it.

36
37 As far as the tribes go, I would -- I mean it's
38 always like any organization, I'm sure you guys find the
39 same thing, it would be great if you guys had more meetings
40 and could get out to all the villages in your jurisdiction,
41 and I think that's a problem with any rural group, how do
42 you get the word out to different folks as far as different
43 people's concerns? You know, right now my time is -- YRDFA
44 is not my full-time job, I do other work as well with the
45 Bering Sea Fishermen's Association, so if one of -- I know
46 personally that one of my plans, which is Federal
47 management, is I want to go to the Federal government and
48 say, could we have some funds so that we could get more
49 people to our annual meeting because it's a big meeting and
50 I always, scrape, beg and borrow to get charters in, to get

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1 people to meet, or newsletters. You know, I got enough
2 money to do two, maybe three newsletters but you could
3 easily do a newsletter a month or conference call. Every
4 time we have a conference call it's probably \$1,500, poof,
5 just like that. But ideally we should be having a weekly
6 conference call during the -- from June through October 1,
7 all the time. Ideally we should be doing that. So we're
8 going to go to the Feds saying, you want user input into
9 management, this is one way to do it and we'd like to
10 facilitate that process.

11

12 MR. GOOD: Mr. Chairman.

13

14 CHAIRMAN MILLER: Go ahead, Nat.

15

16 MR. GOOD: Just a comment on the side, you
17 know, this new system that we have that puts fisheries
18 under more of a localized jurisdiction in terms of
19 subsistence and you can see it on the map here, this really
20 represents something that we need to take some very careful
21 approaches with. Especially in terms of that this is now a
22 local approach doing it. You're talking about involving
23 local people, well, if the people here turn and subscribe
24 to a drainage wide, drainage long, they're going back to
25 the way -- they'd simply have to give up local control of
26 this area. Right now the people here in Fort Yukon or
27 throughout this area have direct control of this area. And
28 I think that this, the advisory council, has to be very
29 careful about giving away subsistence control in this area
30 to somebody outside of it. And so I would think that if
31 you were going to work into such a position, and I don't
32 even know if you're aiming to do so, it would take a period
33 of time and this Council would have to carefully evaluate
34 just what you were. Does that make sense?

35

36 MR. ALBRECHT: Right. But like I say, we
37 don't want to be the 11th Regional Council.

38

39 MR. GOOD: Right.

40

41 MR. ALBRECHT: We want to maintain our
42 independence. You know, we want to be appointed -- we want
43 to be a user association not appointed by Bruce Babbitt.

44

45 The other thing -- but the main reason we, again,
46 the emphasis on creating some sort of an ad hoc Yukon
47 salmon council is not trying to take away anybody's local
48 control, it's the recognition that salmon are migratory.
49 And if one council, Eastern Interior says one thing about
50 salmon management and Western Interior says another thing

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1 about salmon management, and Y-K Delta says another thing
2 about salmon management, then who decides? The Federal
3 Subsistence Board.

4
5 MR. GOOD: Well.....

6
7 MR. ALBRECHT: You could have potentially
8 three conflicting opinions going to the Federal Subsistence
9 Board whereas, what if you all got together and worked on
10 the issue so that there's true conservation of the
11 resource, sharing of the conservation. Let's say it's a
12 bad year, how are we going to share the resource? Let's
13 say there's only 100 fish to catch, how are we going to
14 divide it up equally amongst all the subsistence users let
15 alone -- pretend there's not even a commercial season.

16
17 MR. GOOD: Mr. Chairman.

18
19 CHAIRMAN MILLER: Go ahead, Nat.

20
21 MR. GOOD: My reference here was due to the
22 fact in the past, and I believe that we need to work
23 together up and down this river, but in the past,
24 ultimately the burden is borne by the up river people
25 because the people at the bottom of the river have the fish
26 there first; they're going to get some. But always the
27 impression comes through to me that the up river people are
28 the losers because the fish don't make it here. And I
29 think that's what we need to work with the people down
30 river, help them to understand. And at the same time the
31 people up here don't want to give away control of what does
32 come to them.

33
34 MR. ALBRECHT; Right. Yeah, I -- but I
35 think it's -- I mean fisheries management isn't an exact
36 science, and I think certainly the Department, especially
37 probably in the '80s was very overzealous. But look at an
38 issue where you have runs that are so bad anyway that
39 there's not even any commercial fishing to speak of then
40 how are we going to decide who has priority among
41 subsistence users? What about when there's so few fish
42 that you don't even have enough to feed a dog team so who
43 has priority? Is it -- which has more rights to the fish,
44 Tanana or Fort Yukon?

45
46 MR. L. TRITT: Do you get any research
47 funding?

48
49 MR. ALBRECHT: Do I?

50

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1 MR. L. TRITT: For the association, yeah.

2

3 MR. ALBRECHT: Not right now. Mostly it's
4 been -- the research function is in A-YK, mostly done
5 through my sister, Bering Sea Fishermen's Association.

6

7 MR. L. TRITT: Well, I think if you would
8 go back a couple hundred years you'll probably find the
9 system that existed back there. Native people are,
10 especially down the states or wherever, the people on the
11 mouth of the river usually have a system of so many
12 escapement for people up the river, you know. And if they
13 go back into the history they'll probably find some kind of
14 system like that, no use rebuilding that whole thing again.

15

16 CHAIRMAN MILLER: Any more comments or
17 questions?

18

19 MR. JAMES: I have one here.

20

21 CHAIRMAN MILLER: Okay.

22

23 MR. JAMES: I brought up a while ago, when
24 our prior Chief, Steven Ginnis of TCC presented an
25 allocation to the Yukon River Drainage Board and Fish and
26 Game, it was -- he had 45,000 at the allocation number and
27 it was turned down at that time because there had been no
28 back up for it, no research. You know, so at that
29 particular time we -- this summer we did the back up and we
30 identified, that number -- he was about 5,000 off. And we
31 came to 35, 37,000, pretty close of that allocation number.
32 We found that information through research -- through our
33 research and we brought it back up and it's still in the
34 draft form for the chief to accept. And we've given it to
35 Steven and showed Steven how we went about and did it
36 through our department. And we had Craig Fleener, he was
37 an intern biologist for the summer and he did an excellent
38 job in researching that and getting numbers and reports --
39 other previous reports that had been done. And then he --
40 it was really a good detailed work that he -- he did before
41 he left for Calgary. And what we were really -- we
42 shouldn't -- a tribe or someone comes up with an issue, I
43 think, organizations or agencies should be able to say,
44 hey, we can get technical assistance and, you know, help
45 them.

46

47 MR. ALBRECHT: What I would say for this
48 upcoming meeting and I'll probably send out a fax and
49 notice to all the villages and fishermen saying, you know,
50 we're going to be working on proposals for the Board of

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1 Fisheries at this time, you know, please bring us your
2 proposals and we'll sit there and the 30 of us -- if we get
3 all 30 people there, we'll debate and discuss these
4 proposals. That's kind of what the goal of the annual
5 meeting is. It's, in part, big regional issues but
6 sometimes it's a purely local concern that people want the
7 support of a larger entity on. But it's not just one group
8 of fishermen but if it's supported by the whole association
9 and then the whole river's backing up. Like the pike issue
10 is one example about that, with the Minto Flats thing, in
11 the past we got involved in that even though most people
12 didn't go to Minto to harvest pipe.

13
14 CHAIRMAN MILLER: Go ahead, Lee.

15
16 MR. L. TITUS: Where does the Yukon River
17 Drainage Fisheries get their funding, most or 100 percent
18 of their funding from?

19
20 MR. ALBRECHT: Most of the funding is
21 through its sister agency called the Bering Sea Fishermen's
22 Association who's my employer and works in Bristol Bay,
23 Kuskokwim Yukon, Norton Sound and Kotzebue, and that
24 funding comes from the BIA actually. You know, because we
25 -- we -- the Bering Sea Fishermen's Association receives
26 funding to work on salmon management and research and
27 salmon issues in the Arctic Yukon Kuskokwim region. So
28 that pays most of my staff time. The newsletter is
29 actually paid for by a subcontract with Fish and Wildlife
30 Service recommended by the U.S./Canada Yukon Panel, a small
31 \$25,000 subcontract.

32
33 MR. L. TITUS: Do you know how much of the
34 regional corporations are putting into your fund?

35
36 MR. ALBRECHT: I request donations, like a
37 lot of people, well, there's one -- Alakanuk Native
38 Corporation made a sizeable donation and I get some
39 contributions occasionally. It's mostly individual
40 members, you know. But in terms of -- I wish I had more
41 time to beg for money but.....

42
43 MR. L. TITUS: How much does the State have
44 to do with your organization?

45
46 MR. ALBRECHT: Funding wise we don't get
47 any money from the State. We used to when we first started
48 out. In the early 1990s we would get funding from the
49 Legislature, '91, '92 and '93 under the designated
50 Legislative branch through community regional affairs. But

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1 since 1993 we haven't gotten any money from the State for
2 general program support. We got a small subcontract with
3 the State for newsletters and teleconferences several years
4 ago. We are heavily involved with the State Fish and Game
5 in the sense that we provide input to Fish and Game during
6 the season and after the season. And that annual meeting
7 is a useful tool for Fish and Game because they can go --
8 they can do their village meetings but they also know that
9 they can come to our annual meeting and there will people
10 from all over the river and they can talk about their
11 concern about the treaty with Canada or the Toklat fish
12 aren't returning to the spawning ground or whatever. So we
13 interact quite a bit with State Fish and Game. And
14 there'll be conference calls. Often Monty Melard from the
15 Fish and Wildlife office is on. This summer I did send out
16 faxes to invite the chairman of the regional councils, Mr.
17 Sam and some of the others to our conference calls during
18 the summer.

19
20 MR. JAMES: I have one.

21
22 CHAIRMAN MILLER: Go ahead, David.

23
24 MR. JAMES: Your comment about the funding,
25 you work with Bering Sea Fishermen.

26
27 MR. ALBRECHT: Uh-huh.

28
29 MR. JAMES: You mentioned Bering Sea
30 Fishermen get funding through BIA?

31
32 MR. ALBRECHT: Bering Sea Fishermen's
33 Association receives Congressional funding through the --
34 it's directed through the Bureau of Indian Affairs for
35 salmon monitoring and research programs in the Arctic Yukon
36 Kuskokwim.

37
38 MR. JAMES: Sure they're getting funding on
39 behalf of the tribes?

40
41 MR. ALBRECHT: They're getting funded on
42 behalf of -- with a directed purpose to do salmon
43 monitoring research. And Bering Sea Fishermen's
44 Association in terms of contracts with a variety of
45 individuals, tribes for a lot of that local work.

46
47 MR. JAMES: We have a regional tribe and
48 individual tribes, I don't know, I'm kind of confused why
49 TCC or, you know, individual tribes are not getting this
50 through BIA, Department of Interior, if that's what they

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1 meant -- it goes towards the tribal, how this Bering Sea
2 Fishermen gets it?

3
4 MR. ALBRECHT: Since 1994 Congress has
5 directed, right in the committee language, a set amount of
6 money to Bering Sea Fishermen's Association for Arctic
7 Yukon Kuskokwim salmon research and monitoring and the BIA
8 office, Don Tomlin, in the Anchorage office is our grant
9 administrator. Since the beginning it's directed us -- you
10 know, where appropriate and where the capabilities are to
11 work with tribal groups. We've been at the same
12 appropriation levels since the beginning of the program and
13 for that reason we've been kind of stuck at the same
14 projects each year because they cost about the same amount
15 of money. To give an example, in the Norton Sound region,
16 we contract with Kawerak and they run four salmon counting
17 towers, three in the northern Norton Sound and one in the
18 Unalakleet River. In the Yukon we contract with a variety
19 of entities. We contract with Andreafsky, the two Native
20 corporate councils in St. Marys to provide staff support to
21 the Andreafsky weir. We contract with Nulato Tribal
22 Council for the Nulato tower, we contract with Tanana Chief
23 Conference for salmon surveys on the Nenana drainage and on
24 Clear Creek up near Huslia. And we contracted three or
25 four fishwheel fishermen, Bill Flores, Paul Evans and Doug
26 Bowers over in Nenana for fishwheel operations. A couple
27 years back we did contract with CATG for the south bank
28 wheel and north bank wheel project, kind of an experimental
29 project to see how it would work. We have not done that
30 project since, there were some operational problems with
31 that program but we did contact the CATG in 1996 on that.
32 In the Kuskokwim we contract with KNA, ADCP, Native Village
33 of Quinhagak and I think that's it -- oh, Takotna school.

34
35 MR. JAMES: Just for a comment for
36 information. What I got right here, our tribal money
37 through BIA, Department of Interior, it's helping -- if
38 we're giving money to commercial people and processors and
39 user -- what our -- our tribal money is supporting them to
40 make decisions, I think we have to have some kind of -- I
41 don't know that's just my opinion that -- I'm just
42 surprised really, I think we need to look at this, how our
43 tribal money is being utilized.

44
45 CHAIRMAN MILLER: Go ahead, Ida.

46
47 MS. HILDEBRAND: Ida Hildebrand, BIA, Staff
48 Committee Member. In response to David's question, when
49 monies are appropriated by Congress to go through the BIA,
50 if Congress earmarks that money for a specific organization

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1 or use BIA cannot change that use or that organization from
2 obtaining that monies. If anyone is dissatisfied with
3 that, however, anyone is free to go to Congress and request
4 that the language of that bill that appropriates those
5 funds be changed.

6
7 CHAIRMAN MILLER: Go ahead, Lee.

8
9 MR. L. TITUS: So if Yukon Drainage
10 Fisheries, even though they're not a tribal organization,
11 they're still entitled for BIA money?

12
13 MS. HILDEBRAND: Ida Hildebrand, BIA, Staff
14 Committee member. In response to Lee Titus' question, when
15 the BIA is given tribal monies that aren't earmarked except
16 for tribes, then the BIA is like a funnel. The money comes
17 to the Juneau area office, from the Juneau area office it
18 goes out to tribes. If Congress, in appropriating any
19 money, even if it is for the benefit of tribes but in the
20 language of the appropriations bill designates how the BIA
21 is going to utilize that money by specifically saying that
22 this is the person the BIA will contract or that's where
23 the money's going to from the BIA, the BIA cannot change
24 that language. So if the appropriations bill in its
25 language on its face designates the Bering Sea Fisheries
26 Association, it is not a matter of discretion for the BIA
27 to say, no, we'd rather give it to tribes. However, anyone
28 in Alaska can request that that language be changed. You
29 may lose the appropriation but you can request that the
30 language be changed that earmarks it for Bering Sea
31 Fisheries Association and instead say they want another
32 designation or to whom they want that designation to go to.

33
34 MR. NICHOLIA: I think we're going off here
35 is that we got to recognize that most of those Bering Sea
36 Fisheries Association are tribes but they're Eskimos on the
37 coast and they are very -- the association has represented
38 tribes for like you said, the Minto, Tanana here and there
39 and so they do represent tribes.

40
41 MR. ALBRECHT: Yeah, but the Bering Sea
42 Fishermen's Association is governed by 12 board members,
43 three from Kotzebue, three from Norton Sound, three from
44 the Y-K Delta and three from Bristol Bay and all 12 of them
45 are Native, just so you know. I mean it's not, quote,
46 tribal, we're not recognized by tribes, we don't have
47 letters of support from the tribes. But, you know, Bering
48 Sea does try to do appropriate things by the
49 subcontracting. You can ask Fish and Game, you can ask
50 Fish and Wildlife Service what they think of the

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1 cooperative projects. We pass the money through to either
2 TCC, Nulato Tribal Council, for example, the City of
3 Kaltag. The Kaltag case is a perfect example. The people
4 in Kaltag said, pass the money to the City of Kaltag
5 because it's really the organization that functions here in
6 the town, the tribe said that to us, so we contract with
7 the City of Kaltag and it's fine with the people of Kaltag.
8 In the case of Tanana we contract with individual
9 fishermen, one guy's a White guy, one guy's a Native. If
10 you want to write to Congress and tell them to take away
11 the contract from the White guy, go ahead, I don't really
12 care but we won't have the data, so.....

13
14 CHAIRMAN MILLER: Go ahead, Lee.

15
16 MR. L. TITUS: I think the point she made
17 is very clear of a question that's deep in my mind and has
18 been bothering me for a long time is everybody thinks that
19 the government is taking care of the Indians, all right,
20 and we all get that perspective, that the Federal
21 government is going to take care of us. There's money in
22 the pot all right, but there's entities that's coming in,
23 that's sneaking in to our jurisdiction, within our
24 sovereign laws, and that was the question I brought to her.
25 Was how is Yukon River Drainage an entity that got money
26 from the BIA, on my behalf? It was appropriated by
27 Congress. Congress can do anything they want. It doesn't
28 matter what the state of Alaska says, they can still do
29 what they want. And that's something you got to think
30 about.

31
32 Thank you.

33
34 CHAIRMAN MILLER: Is there any more
35 comments or questions for Dan? Thank you.

36
37 MR. ALBRECHT: Thank you.

38
39 CHAIRMAN MILLER: Go ahead.

40
41 MR. SCHWALENBERG: Yeah, Dewey Schwalenberg
42 from Stevens Village, Natural Resource Director. I think
43 this gentleman here has a real valid point. We've always
44 looked at the BIA appropriations and said, you know, these
45 tribal self-determined monies should be at least
46 appropriated in direct consultation with tribes, that's the
47 first priority. What happens if these other groups get
48 funding directly through the BIA is the overall
49 appropriation for tribal dollars is going to be so much
50 money, period. That's what every tribe in the country is

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1 going to compete for. This is really unprecedented in the
2 history of Bureau of Indian Affairs in funding, the fact
3 that money would come through the Bureau of Indian Affairs,
4 go to a separate, non-tribal entity and then be used for
5 whatever purposes, as noble as they may be. Now, at the
6 time this went through the tribal governments certainly
7 could have intervened in the appropriation process. They
8 could have asked for the money to go a certain direction or
9 better yet, these funds could have been moved through Fish
10 and Wildlife Service, National Marine Fishery Service, a
11 number of different funding organizations. So our question
12 has always been, why did these monies go into the Bureau of
13 Indian Affairs. Again, a very dangerous precedents to have
14 these types of things going on.

15
16 Now, I can understand why these groups exist, the
17 kind of work they do, I have no quarrel with that. But I
18 do have a quarrel with the process of taking these tribal
19 monies that we're all sitting back here with our local
20 tribes trying to get a couple of bucks to do fisheries
21 management, and have to go through a third-party
22 organization that's not even tribal, to get funds so we can
23 do our programs, that's unacceptable. And that's what I
24 wish this board to deal with. As far as we're concerned,
25 you're the guys that we deal with, you're the Federal
26 Subsistence Council and Board, the advisory people. You're
27 the ones that we can get people to sit on the board here,
28 you're the ones that we bring the proposals to you. We
29 have too many layers of administration in here. If a group
30 of individual people want to get together and influence the
31 process that's the American way, I guess. But to go to use
32 public money to get a private group put together and take
33 money away from the existing tribal organizations and
34 programs that are trying to develop, I just don't think
35 it's good policy.

36
37 So that's where we come from. And again, I respect
38 the work Dan's group does, the people there who are good
39 people, they have vested interests. But if there's going
40 to be a Yukon River wide watershed group put together, we
41 believe it's supposed to be an intertribal group of tribal
42 governments that are going to be running this thing and
43 providing input, you know, through the Federal and State
44 process and we don't even have any funding for it. We
45 don't have a single dollar for Yukon River intertribal fish
46 commission or salmon commission, although CATG and a number
47 of tribes have been talking about it for at least seven
48 years that I know of. So again, I'm sorry to say, I don't
49 agree with the process of getting money out of the existing
50 rural pot of money for tribes, moving it through neutral

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1 third-party organizations to try to accomplish goals and
2 objectives that many of us at the local tribal level are
3 trying to do. So that's just going to be our position on
4 this every time this issue comes up.

5
6 I don't know what Dan's really asking for in
7 action, but I do know that I got a couple of councilmembers
8 back here that would be willing to testify on behalf of
9 their needs and their interests if we're going to get
10 further into this entire issues.

11
12 Thank you.

13
14 CHAIRMAN MILLER: Thank you.

15
16 MR. ALBRECHT: Well, we kind of got off
17 into other issues. I guess just to reiterate what I said
18 at the beginning of my testimony, you know, some form of
19 cooperation between all areas on the Yukon is really
20 necessary because otherwise we're setting ourselves up for
21 a classic fight, I think very nasty, on the river.

22
23 CHAIRMAN MILLER: Thank you.

24
25 MR. MATHEWS: Okay, Mr. Chairman, that
26 brings us up to talking about regional council structures.
27 I don't know, I hope I do the best I can to get this across
28 to you. But basically we've talked to you over the years
29 about the need for coordination and dialogue throughout the
30 whole drainage. The regional councils, public in general,
31 and other key fishery organizations have highlighted the
32 importance of creating a structure for coordination in
33 unified recommendations across the councils. Essentially
34 you don't want the Board to make your decisions for you.
35 You do but you don't want them to decide between different
36 parties.

37
38 If you remember the extensive meetings we had with
39 Southcentral to work out consensus, to work out an
40 understanding. We went into those meetings not to change
41 anybody's viewpoints, you didn't want to change
42 Southcentral's viewpoint, they didn't want to change yours,
43 but in that dialogue you were able to find common ground
44 and to find ways of working through those so you do not
45 have neighbors against neighbors. Those meetings aged me
46 quite a bit by the fact that it was hard for me to sit
47 there and listen to people that I know on other issues
48 would be together rather than be arguing across the table.
49 So with the fisheries we're in the same situation. It's
50 been played out throughout the day that the -- that the way

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1 the fisheries transpire on the Yukon River has been well
2 laid out by the State that there's a heavy dependency on
3 subsistence fisheries in the upper parts of the river as
4 well as the lower part, but the commercial fishing
5 generally takes part on the lower. So you need to look at
6 what is the best way to insure that there's coordination
7 and dialogue between the three regions. In the past you
8 looked at this and decided to kind of wait and see how
9 things have played out. We are now in fisheries management
10 as of October 1st, so what we're hoping to do here -- you
11 have this handout and I don't know if it's a different
12 color, I think it's just white on your copy but I want to
13 go over what we're looking at and how to come up with some
14 way of dealing with that coordination across the regions so
15 I want to go over the schedule of what we're looking at.
16 Advise you that at this meeting you don't have to take
17 formal action but you kind of want to get the ideas on the
18 table and more formal action will be down the road.

19
20 Okay, what we're looking at doing is we're going to
21 be asking for the program here -- Office of Subsistence
22 Management is going to be asking for input from all the
23 major stakeholders. And that would include the regional
24 councils, that would include the local Fish and Game
25 advisory committees like the Yukon Flats, like all the
26 various ones that are in your region, Delta Junction
27 Advisory Committee, Upper Tanana, et cetera. We'll also be
28 contacting regional tribal associations, yes, we'll be
29 contacting the AVCP but for your area we'll be contacting
30 the Council of Athabascan Tribal Government, TCC and other
31 tribal organizations in addition to Yukon River Fisheries
32 Drainage Association, key State and Federal resource
33 managers. We're going to talk to everybody in this whole
34 fisheries make up to get an idea of how they feel would be
35 the best way to make sure there's coordination and possibly
36 consensus on fishery issues on the Yukon River. And we
37 will need to discuss the other overlap that Nat's brought
38 up but right now we need to focus on the Yukon River.

39
40 So this fall, after these meetings, this -- myself
41 and others will be interviewing and consulting with these
42 different groups. In December we'll have a summary of all
43 those comments and we'll have input provided to the
44 Council. So we'll be providing you kind of a summation of
45 those inputs from that kind of survey. We're hoping that
46 at the -- well, we will have it, I'm not hoping, it's going
47 to happen, at the January training session that Ida will
48 talk about more, we are structuring in time to have the
49 three Councils meet and just kind of discuss things. It's
50 been very productive across regions to do that. I'm trying

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1 to think if we've done it on three regions but we have not
2 yet, but it's been productive with Southcentral and it's
3 been productive with Western and Yukon-Kuskokwim to get
4 people together to at least define the issue and then
5 usually out of that there's better solutions. So that will
6 happen at the training session.

7
8 Then at your winter meeting coming next February or
9 March, probably March, you'll adopt formal recommendations.
10 You know, you'll put forward and then include in the
11 renewal of your council charters. Because if there's going
12 to be, like Dan has pointed out, an ad hoc or maybe another
13 way of saying it, a super council, that has to be put into
14 the charter or a charter has to be developed. Okay, then
15 sometime over -- you know, that would go to the Board, the
16 Board would finalize its recommendation to the Secretaries,
17 that would be in the summer, around June, and then the
18 Secretaries would sign the charters in September. So that's
19 the layout of what we're doing; interviewing, consulting
20 with you, providing you a summary of all those comments,
21 you review them decide at your next meeting what your
22 recommendation might be for addressing the drainage wide,
23 and we're right now focusing on the Yukon River.

24
25 Okay, I'll give you three options that have been
26 discussed within the office, there could be other options.
27 And the other options, we may need to consult with Peggy
28 and Ida on but I don't remember when Y-K is meeting,
29 they're meeting next week?

30
31 MS. HILDEBRAND: Next week.

32
33 MR. MATHEWS: So in theory, it's a theory
34 with a little T, if you come up with another option we
35 could get that to the other councils that it would affect,
36 that would be Western Interior and the Yukon-Kuskokwim.
37 What I'm basically saying here is these are just three
38 options, there could be other options.

39
40 Okay, the first option is the way it is now. The
41 case by case, the three councils address issues as they
42 come up. You know, we're actually doing that at the next
43 meeting, David and Gerald are going to go to Western
44 Interior, not to discuss a particular issue but to get
45 dialogue established and to see how their meetings are run.
46 Under this case by case, that might go on. The pros of it,
47 if we're going to use what the State has -- no -- yes, Bob
48 had pros and cons the other night. If we use that, the
49 pros of this is that there's no change in the council
50 structure, there's no change in the charters. Everything

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1 stays as is. The cons of it is I don't know how quickly
2 you can respond to an issue and how do you find common
3 ground without kind of another structure there, that might
4 be a problem. That means that you would have to work these
5 out at the Board level. And the Board has to cover the
6 whole state so sometimes it's not as productive to wait to
7 work out your concerns before the Board -- before the Board
8 meets.

9
10 The second one is a coordinating council or super
11 council or ad hoc. That would be made up of equal
12 representation from the three councils. They would meet
13 each year to coordinate recommendations from the council.
14 Let me see here, I had a blank spot in my thought there
15 about how they would go -- okay, there it is. The
16 coordinating body would not act as independent of the
17 regional councils but would explore and promote common
18 recommendations. So it would still come back before the
19 Council, that's what I want to get clear to you. That this
20 body of, say, six people or some standard number from each
21 region would help develop common ground and possibly
22 consensus on recommendations. But they would still be
23 going through the regional councils for their, you know,
24 it's not going to override the regional councils as
25 independent.

26
27 Okay, it's already been discussed, indirectly
28 today, about an 11th regional council, and this new
29 regional council would be set up totally separate from
30 these councils. You guys would continue to focus on
31 wildlife meaning the species that are on the land and the
32 membership would be nine to 11, some odd number to allow,
33 you know, it can't be a split vote, that there would be --
34 and the new council would meet twice per year, submit
35 proposals for fishery regulations and develop
36 recommendations to the Board. So there'd be an 11th
37 regional council under this option that would go to the
38 Board dealing just with fisheries.

39
40 So those are the three case by case -- I mean three
41 options that are available right now that you can discuss.
42 We're going to go out and survey to find out other people's
43 thoughts on all this and get back to you on that but it
44 might be good to have a discussion at this point on these
45 three options and any additional options that may have come
46 up. So that's where we're at.

47
48 CHAIRMAN MILLER: Go ahead, Lee.

49
50 MR. L. TITUS: You say one of the options

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1 was creating another regional council just to deal with
2 fisheries throughout the state of Alaska?

3

4 MR. MATHEWS: No. For right now just the
5 Yukon River. It would not be the whole state, it would be
6 just the Yukon River. The 11th council would cover the
7 Yukon River, that's one option. Oh, I didn't do a pro and
8 con on it.

9

10 MR. L. TITUS: Well, what's going to happen
11 to the other, like the Copper River and all that other? So
12 the other regional council's discretion?

13

14 MR. MATHEWS: Well, if you went with the
15 11th regional council.....

16

17 MR. L. TITUS: I mean you're trying -- the
18 Federal government's going to take over fisheries, right?
19 Are they going to do locally?

20

21 MR. MATHEWS: We've already taken it over,
22 if that's the term. I don't particularly like the term,
23 the better term is that we're implementing.....

24

25 MR. L. TITUS: You're implementing.....

26

27 MR. MATHEWS:we're following the
28 statute of the law but.....

29

30 MR. L. TITUS: You're implementing
31 something that you don't know nothing about.

32

33 MR. MATHEWS: We're learning. We're on a
34 steep learning curve but, yes, it's got to be a coordinated
35 effort and it's going to be a cooperative effort as best we
36 can with all the entities. But in answer to your question,
37 what would you do with the Copper River, what would you do
38 with the Kuskokwim River, if the action was to create a
39 Yukon River Council, then in theory you would end up with a
40 Kuskokwim Council, and I won't touch the Copper River. But
41 in theory you might end up with a Copper River Council.
42 But I kind of doubt that you would have one for the Copper
43 River but the Kuskokwim you might and Yukon would.

44

45 CHAIRMAN MILLER: Go ahead, George.

46

47 MR. SHERROD: This is in part applicable or
48 as relevant to my discussion which will follow Vince's as
49 well. If this whole process seems sort of vague, I think
50 it is vague. And one of the reasons it's vague is that the

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1 Board is very serious of having your input and that's one
2 of the reasons we haven't come and say, here is options A,
3 B and C, and that's it, you pick one, and you go with it.
4 We're throwing out options in some of these areas as
5 starting points for ideas, and if you don't like those you
6 have the ability at this time to permit or to provide new
7 ideas to us, different ideas, if you think the process is
8 perhaps not exactly how you'd like to see it. You have the
9 opportunity of providing that also. As I say, I think
10 there's a very sincere effort in making sure that the
11 councils play an important role in the implementation of
12 this management and to accomplish that, to accomplish that
13 across 10 councils, what we are bringing you at this
14 meeting, at this stage of the game is not very well
15 defined. That doesn't mean that we're not trying to do our
16 job but we're trying to make sure that you have this great
17 of input in our ability to do that job is possible.

18
19 MR. MATHEWS: Mr. Chairman, in the past I
20 was involved with the whole work on the Toklat River and
21 all the problems that were back in the '90s -- early '90s
22 on that. In deference to the Yukon River Fisheries
23 Drainage Association, they've been able to try to find a
24 way for people to talk and to work out consensus on that
25 and to work towards solutions. It puts Staff and the Board
26 in a very difficult decision process when you have multiple
27 groups arguing against each other and in front of you, you
28 have to select -- I think it's Solomon or whatever. You
29 have to decide. That's not the best situation to deal
30 with. The fish do not know what region they're in, they do
31 not know what land they're on. And they do not know which
32 group is advising for them. So it's best if the groups can
33 find common ground. The charge to you is to decide which
34 is the best way that you see now to have coordination so up
35 river interests can talk with down river interests on the
36 problem and not saying, it's your problem up river, it's
37 your problem down river, to work together to define a
38 problem and then if you part waves, you part waves.

39
40 But historically it's been those down river are
41 causing the problem, those up river are causing the problem
42 and in reality it's not that black and white. So if there's
43 some kind of structure that you can deal with, this is the
44 time to explore them. Comment on these, come up with your
45 own, whatever. And then your formal recommendations, the
46 way I understand this, would be at your next meeting. And
47 that doesn't mean it's locked in stone. I think Peggy made
48 that very clear, it's not locked in stone, where we can
49 change as we go along the way.

50

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1 CHAIRMAN MILLER: Go ahead, Gerald.

2
3 MR. NICHOLIA: Yeah, what I think me and
4 Dave James going down to the Western Interior, that it
5 could be -- if it's going to be the Yukon, the Y-K, the
6 Western Interior and Eastern Interior, I think that the
7 Yukon/Y-K should have somebody -- or we should be
8 appointing these council members that do represent the
9 whole region and with the other council members
10 representing the other regions, have one like this
11 coordinated council, but don't call it coordinated council
12 just call it the represented committees from the others
13 just to develop these Federal regulations for this
14 fisheries management deal. And I say it right now, it
15 would be very wise to pick the people that's on the Yukon
16 River because we've been dealing with -- we've been working
17 very long to get things straightened out, that the down
18 river people think about the up river people. They thought
19 we were all catching king salmon but in reality it was only
20 Eagle. That's just how this misconception could get going.
21 And I think it'd be wise to have one, two -- two to three
22 council members from every council meeting somewhere and
23 then draft the thing so nothing could be misidentified or
24 assumed or accused this or start off in the wrong. And it
25 will also be wise that these same people that get appointed
26 to it come back and explain to their council what's going
27 on and not have so much time lag.

28
29 Time is, I think, of the essence, you know, we
30 cannot be waiting until next spring or four or six months
31 from now to come up with a decision that we already passed
32 over for -- like we can't wait six months for a decision at
33 or next meeting or something that we'd be having to make
34 these crucial decisions for this whole Yukon River
35 drainage. But that would be like, we're not -- I'm not
36 going to be sitting here for 20 years from now or 10 years
37 from now going over the same regulations and the same
38 things like the State of Alaska does all the time. I just
39 don't feel like it. I just don't feel like passing this on
40 to my nephews or nieces or children. And I don't see
41 the Federal government spending so much money over the next
42 50 or 40 years still doing this. I think it should be more
43 or less duplicated -- duplicate the State law so we don't
44 -- don't duplicate the input from the councils around the
45 river but -- so that the management bodies don't have
46 conflicting regulations that will make fisheries on the
47 border disgruntled because they have one area here they
48 fish with fish net and another area where they put their
49 fish wheel.

50

00054

1 IT would be wise to have certain council members
2 from each council instead of trying to create something
3 else from out of the woods. That's all I'm saying.

4 CHAIRMAN MILLER: All right. Go ahead Lee,
5 and then Lincoln.

6
7 MR. TITUS: So would I be out of line if I
8 make a recommendation that the Yukon River Drainage
9 Fisheries Association assume the responsibility of
10 jurisdiction on the Yukon River?

11
12 MR. MATHEWS: You wouldn't be out of.....

13
14 MR. TITUS: Looking at the local level.

15
16 MR. MATHEWS: You wouldn't be out of line
17 to do that but they already made it clear on the record
18 that they do not want to be subject to Federal Advisory
19 Committee Act, nor do they want to have their members
20 appointed by the Secretary of Interior but you could still
21 recommend it. I just don't know how we would incorporate
22 that into our structure.

23
24 MR. L. TRITT: I think whatever the use is --
25 you should get everybody along the river working together,
26 it would be commendable, but the thing that bothers me is
27 you have too many groups here and that's why we have
28 problems, you know. A lot of politicals. If you're
29 talking about another group you need to be careful about
30 who these other groups that works with these things.

31
32 MR. MATHEWS: Yeah, meaning they would only
33 be dealing with fisheries if you went with this other
34 group, being the 11th council. You would continue to deal
35 with wildlife.

36
37 CHAIRMAN MILLER: But that would only deal
38 with fisheries on the Yukon River, right?

39
40 MR. MATHEWS: Yeah. They would -- the 11th
41 regional council would only deal with Yukon River
42 fisheries, correct. But I think Ida has some -- I think I
43 may have gone into hot water.

44
45 MS. HILDEBRAND: Ida Hildebrand, Staff
46 Committee Member. As Vince stated earlier, and we seem to
47 have forgotten it, we're here to listen to what you are
48 recommending, and any of you and all of you can recommend
49 whatever you like and then that's all going into a pot that
50 will be summarized and given back to you. So don't

00055

1 hesitate to make recommendations but I do think you need to
2 address how that recommendation will come out in the end
3 because that's premature, you haven't even heard the rest
4 of your own recommendations.

5
6 MR. TITUS: So what do you think about my
7 recommendation?

8
9 MS. HILDEBRAND: What do I personally think
10 about your recommendation?

11
12 MR. TITUS: No, from your job point of
13 view?

14
15 MS. HILDEBRAND: From my job point of view,
16 as a Staff Committee member, it's a recommendation that has
17 been opposed by all councils.

18
19 MR. TITUS: Opposed?

20
21 MS. HILDEBRAND: Yes.

22
23 MR. TITUS: By?

24
25 MS. HILDEBRAND: It's a recommendation that
26 has been opposed by all regional advisory councils.

27
28 MR. TITUS: Oh, really?

29
30 MS. HILDEBRAND: Yes.

31
32 MR. TITUS: Except us?

33
34 MS. HILDEBRAND: Except you speaking as a
35 member of this council.

36
37 CHAIRMAN MILLER: Okay, go ahead, Nat.

38
39 MR. GOOD: Mr. Chairman, in order to put
40 this to rest, I'd like to put a motion on the floor. I'd
41 like to move that we support number 2, that having a
42 coordinating, and in this case I'd like to call it a
43 committee, I don't like to think of it as a super council
44 that would have two representatives from each of the
45 advisory councils on it. And just to urge things along a
46 little bit, I think we have two excellent representatives
47 should this be implemented anytime before our next meeting.
48 I'd like to suggest that we have David and Gerald as
49 excellent representatives for the council, and therefore,
50 I'd like to propose them.

00056

1 MR. L. TITUS: Second.

2

3 CHAIRMAN MILLER: Okay, it's been moved and
4 seconded. Discussion.

5

6 MR. JAMES: I was going to talk about this
7 coordinating council a little more, trying to get a feel of
8 it, how -- you know, just a basic format that we brought
9 up. And you're talking about there would be two
10 representatives from here and from Western and like the Y-
11 K, and we meet as part of the process, we meet before the
12 main -- pre-fall meetings or meet a month before? Is that
13 how -- what kind of time table are we going to approach?

14

15 MR. NICHOLIA: I think what will be -- if
16 it comes to this way, I think what we'll be doing is these
17 three councils, regional councils meet together to go over
18 the proposals that's being proposed in each region and try
19 to coordinate the management -- try to make them work
20 together so they wouldn't be working against each other.

21

22 CHAIRMAN MILLER: Go ahead, Vince.

23

24 MR. MATHEWS: Mr. Chairman, I understand
25 the motion. But does the motion imply that when all this
26 data is collected from surveys and talking to all these
27 different groups that there may be something else that
28 comes out of it that the Council will revisit its
29 recommendation at the next round? That this is a message
30 that you just want to send now that you support the super
31 council but are open?

32

33 MR. GOOD: Mr. Chairman.

34

35 CHAIRMAN MILLER: Go ahead, Nat.

36

37 MR. GOOD: I think that we've all said we
38 don't like the idea of the word, super council, in there.

39

40 MR. MATHEWS: Sorry.

41

42 MR. GOOD: What I had in mind with the
43 motion was that it is -- what Gerald said is absolutely
44 true, we need to get cracking on this and do something. We
45 don't want to wait forever. And if we could -- if we
46 could, at least, begin something of this nature, perhaps
47 even before our next meeting, as soon as possible, that
48 would be nice, and it's not to say that this would be a
49 final thing that we would -- if Gerald and David went to a
50 meeting such as this and they felt it wasn't working then

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1 we might have to use something else but we need to start
2 working on something. I think Gerald has a very good point
3 there.

4
5 CHAIRMAN MILLER: Okay, go ahead, Lee.

6
7 MR. L. TITUS: I don't have a geographical
8 map of the Yukon River drainage but according to the motion
9 that was made that we're going to have two councils from
10 here representing the fish, right?

11
12 MR. GOOD: Representing us?

13
14 MR. L. TITUS: Yeah, and then we're going
15 to have two from the Western Interior, further down the
16 Yukon, and then we're going to have two from Y-K, right, so
17 that's six right? I don't think six people can discuss all
18 that fish in that long span of river you're talking about.

19
20 MR. NICHOLIA: Well, what we would probably
21 be doing is taking the recommendations and proposals from
22 this council to the next two councils, we wouldn't be
23 representing.....

24
25 MR. L. TITUS: No, you're going to meet --
26 all six of you are going to meet and take recommendations
27 from all along the Yukon River and then you're going to
28 present it to the regional councils. That's my
29 understanding.

30
31 MR. L. TRITT: I think what we're just
32 trying to do is get people to coordinate their
33 communications between all these people around the Yukon
34 River, that's all it is. They can't make too many
35 decisions, there'll be too many groups making decisions,
36 you know.

37
38 MR. GOOD: Mr. Chairman.

39
40 CHAIRMAN MILLER: Go ahead.

41
42 MR. GOOD: I think Lee's also right there,
43 too, because the proposals that come in will be dealing
44 with different parts of the river, perhaps, but it may have
45 an impact all the way up and down the river, and if we
46 have, at least these six people representing the three
47 councils, perhaps they can go proposal by proposal just as
48 Lee was suggesting, examine them and make sure that we know
49 what the implications are in all three areas and then when
50 they come back they can talk to us, David and Gerald can

00058

1 tell us what impact something being done down river will
2 have. But we may or may not want to support something done
3 by, say, Western Interior because of it but we'll at least
4 know something about it.

5

6 CHAIRMAN MILLER: Go ahead, George.

7

8 MR. SHERROD: Mr. Chair, Lee sort of
9 alluded to this earlier, I think, and the answer to this
10 is, while fish don't jump across drainages, subsistence
11 fishermen sometimes do. This body has faced a number of
12 proposals dealing with the use of resources in the Copper
13 River drainage and I'm not -- I don't have an answer but
14 maybe it's helpful to think back about information and
15 knowledge this body has gained in dealing with the
16 proposals in game that have come before it because I'm not
17 sure that all the fish ones will be that different. There
18 will be C&T proposals, there will be methods and means
19 proposals and so on. And while I certainly see the merit
20 in being able, for the different councils in a drainage to
21 talk to each other because they are sharing the common
22 resource, I don't think the sharing of that resource stops
23 in the river drainage. And so maybe thinking about how you
24 would have dealt with a proposal in the past associated
25 with caribou that crossed lines or something like that and
26 that may well be that councils will disagree but those
27 disagreements can be overcome. Maybe we're talking about a
28 process as much as a structure.

29

30 MR. NICHOLIA: Are we still in discussion
31 on the motion?

32

33 MR. GOOD: Yeah.

34

35 CHAIRMAN MILLER: I think so.

36

37 MR. NICHOLIA: I still think this will
38 work, though, because you'll have representation from all
39 three councils, without creating another council. It could
40 be called coordinating council or a committee. So we would
41 have all of the proposals and recommendations at one table
42 without the whole three councils meeting. We'll take these
43 recommendations that then we'll see our view and we'll take
44 their views and then we can bring it all back to here and
45 then we'll make a decision.

46

47 CHAIRMAN MILLER: Also it might be able to
48 work at the Copper River area, you know, as far as Eastern
49 vote.

50

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1 MR. L. TITUS: Mr. Chairman.

2
3 CHAIRMAN MILLER: Go ahead, Lee.

4
5 MR. L. TITUS: So even if this motion has
6 been passed by this board it's still got to have the
7 blessing of the Secretary of Interior?

8
9 MR. MATHEWS: Right now you're making a
10 recommendation and we're just, as I have pointed out,
11 trying to get different options out there and then from
12 there.....

13
14 MR. L. TITUS: It's not a recommendation,
15 it's a motion.

16
17 MR. MATHEWS: Well, I took it as a.....

18
19 MR. GOOD: Yeah, it's a motion that this be
20 our recommendation.

21
22 MR. MATHEWS: Right.

23
24 MR. L. TITUS: Oh, okay.

25
26 CHAIRMAN MILLER: This may just be playing
27 with words, but using committee instead of council we won't
28 have to get the blessing, so to speak, from the Secretary?

29
30 MS. HILDEBRAND: I think we've asked the
31 solicitor to review that but I think you're correct. But
32 we're still asking for a legal opinion on that. And to
33 remind you, again, what Vince just said, this motion is
34 this Council's recommendation at this point. The Council
35 has already expressed that it's reserving the right to come
36 back and review this again after all the other councils
37 have weighed in. And for further discussion purposes,
38 later on on the agenda when I talk about the training
39 session, we'll talk about an opportunity for all councils
40 during that training session to have caucuses and
41 communicate with each other. So you'll have great
42 opportunity for cultivating of new ideas and new
43 recommendations.

44
45 MR. SILAS: With the clarification that
46 this is going to be a recommendation in the motion I'm
47 ready to vote.

48
49 CHAIRMAN MILLER: So you're calling for the
50 question?

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1 MR. SILAS: Question.

2

3 MR. NICHOLIA: For clarification, would
4 Vince read the motion? Vince.

5

6 MR. MATHEWS: Well, I had down the wrong
7 word down here. But basically that you support number 2
8 the coordinating council motion with two from each regional
9 council affected, and that presently the two members that
10 are recommended would be David James and Gerald Nicholia,
11 and it was moved by Nat and seconded by Gerald, I believe.

12

13 MR. GOOD: No, it was seconded by Lee,
14 okay.

15

16 MR. NICHOLIA: Okay.

17

18 MR. SILAS: Call for the question.

19

20 MR. NICHOLIA: And could you add that --
21 what she said, just the last, where we'll be presenting our
22 recommendations and proposals to share with the other three
23 councils when we meet and then we'll come back and hash it
24 out again?

25

26 MR. MATHEWS: If the mover of the motion
27 would agree to that?

28

29 MR. GOOD: Oh, I will definitely agree.

30

31 MR. SILAS: Call for the question, Mr.

32 Chair.

33

34 CHAIRMAN MILLER: Okay, question's been
35 called for. All in favor of the motion signify by saying
36 aye.

37

38 IN UNISON: Aye.

39

40 CHAIRMAN MILLER: Opposed same sign.

41

42 (No opposing votes)

43

44 CHAIRMAN MILLER: Okay, motion carries.

45

46 MR. MATHEWS: Okay, Mr. Chairman, that gets
47 me off the hook. The next item there is the training
48 session which Ida is going to do the lead into -- no,
49 customary trade, sorry, George. I guess I just wanted to
50 get to that training session.

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1 MR. SHERROD: Mr. Chair, you'll find sort
2 of a purple sheet. The one in the book is wrong, and
3 that's just indicative of this evolving process that we're
4 dealing with here. Again, the purpose of this discussion
5 at this point is to talk -- to get talking about customary
6 trade and barter with you guys trying to get your ideas.

7
8 As you know, and as Peggy talked about earlier, the
9 current regulations recognize the importance of customary
10 trade and barter and basically says that it's very
11 permissive language in the regulation. It says the cash
12 sale of fish and wildlife resources regulated in this part,
13 not otherwise prohibited by Federal law and regulation to
14 support personal or family needs and does not include the
15 trade which constitutes a significant commercial
16 enterprise. I'll mention that exactly what a significant
17 commercial enterprise has not been defined at that point.
18 This goal, and this is an ongoing goal, is to ask the
19 regional councils for recommendations in trying to come up
20 with a better understanding and definition of customary
21 trade practices for their regions and for a process, again,
22 we're not putting out that we know the process for
23 addressing concerns that had been identified or will be
24 identified or may arise.

25
26 The overall time frame, and I'm beginning to think
27 this time frame is quite optimistic, is that we are
28 gathering -- hoping to gather information from you at this
29 point. I would also say that perhaps we plan to suggest
30 into your mind that you will think about it and come
31 January, and during the training session we will have a
32 component on customary trade that at that time will be a
33 little bit clearer in your mind the direction that you want
34 to go. At the same time that we are trying to gather
35 information from you, Staff is trying to go through the
36 sort of literature, oral histories and so on and document
37 examples of customary trade and barter that exists, or
38 exchange, in a broader sense, that exists in these things.
39 This will be worked into a report and it is hoping that
40 this report will become before you in some draft form by
41 next year, a year from now. Of course, that's what I'll
42 call the winter meeting, but in March there'll be progress
43 reports and so on, too, about where we are in this process.

44
45 I guess the task before us this moment is to try to
46 have you have a very open discussion about that and then
47 sort of preparation for that, the Staff that is working on
48 this, and that includes Peggy and Ida and myself and the
49 anthropologists have sort of developed some terms which
50 describe activities and the actors involved in these

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1 activities. A little trying to place on the ground what
2 type of exchange activities take place and who are the
3 actors beyond this becomes barter and trade. And I will
4 read through those and it starts at the bottom of the first
5 page.

6
7 It says, barter, the exchange of subsistence fish
8 or their parts for other subsistence foods or parts or
9 other general -- or food in general, the exchange of salmon
10 strips for beluga. And again, these are just -- we're
11 asking for your comments on these, these are just ideas
12 we're throwing out. Barter trade, the exchange of
13 subsistence fish or their parts for other subsistence
14 foods, cash or other items, that is, exchange of salmon
15 strips for beluga above with the sale of part of the beluga
16 for cash. Tradesman, a person who barter or trades
17 subsistence foods or parts or barter, trade or cash on a
18 regional basis. He or she is not -- this activity does not
19 constitute a large commercial enterprise, which is
20 basically a subsistence user. And this sort of recognizes
21 the individual that may obtain an item from one village,
22 take it down to his village and later trade it down stream
23 to another village. In other words, you don't have to eat
24 where you trade it kind of concept or it can't go through a
25 second person. Customary trade, this is basically the
26 definition that appears in the language and then the
27 extreme of commercial fishing, the catch and sale of fish
28 solely for the purpose of sale in the commercial fishing
29 industry.

30
31 So at this time I would like to elicit as much
32 conversation as possible on this topic, terms of processes.

33
34 CHAIRMAN MILLER: Go ahead, Lee.

35
36 MR. L. TITUS: Who wrote the Federal
37 Subsistence Fisheries Implementation Plan?

38
39 MS. HILDEBRAND: Staff Committee.

40
41 MR. SHERROD: Staff Committee.

42
43 MR. L. TITUS: So the Federal Staff?

44
45 MR. SHERROD: Wrote the implementation
46 plan, yes.

47
48 MR. GOOD: Mr. Chairman.

49
50 CHAIRMAN MILLER: Go ahead, Nat.

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1 MR. GOOD: We've been here before.

2
3 CHAIRMAN MILLER: Yeah.

4
5 MR. GOOD: But just looking at these terms,
6 I mean the only thing I -- we always bring into a question
7 of where does subsistence become commercial and that's a
8 tough deal thing to deal with. Tradesmen looks good to me
9 except how far does that go? Can you set up trading posts,
10 you know, it's not defined here. Does that become.....

11
12 MR. SHERROD: Well, at this stage of the
13 process we've tried to avoid defining what a commercial --
14 a significant commercial enterprise is, in part, because
15 many of the councils have resisted coming up with that
16 definition. It's been our view that it's too premature to
17 do that, what we need to do is try to get a handle on what
18 activities are going on out there, and these are things
19 that you know and you see it in your villages and so on,
20 how resources are exchanged, what the types of activities
21 are. To get a feel for what's out there, and then once we
22 understand what's out there, that if an activity occurs,
23 that it's perceived to be -- how can I say, a violation of
24 an abuse of the system, that the councils would have the
25 opportunity to deal with it. And that they would also have
26 already in hand, some documentation to help them move in
27 that direction. So this is more of an information
28 gathering thing, trying to put a handle on the kind of
29 activities.

30
31 MR. GOOD: Mr. Chairman.

32
33 CHAIRMAN MILLER: Go ahead, Nat.

34
35 MR. GOOD: From the point of view that
36 these are very, very flexible and what George has just
37 said, when the people within our region see things that
38 they don't like they're going to let us know and that will
39 more clearly define these in terms of real specifics. I
40 can't see anything wrong with the approach at this point,
41 anybody else?

42
43 CHAIRMAN MILLER: I think Gerald has
44 something to say here.

45
46 MR. NICHOLIA: Yeah, George, I think this
47 tradesman doesn't really -- doesn't really represent the
48 Federal Subsistence Program at all. Because the tradesman
49 for -- that's really doing the trading is the fisherman or
50 the fisherwoman themselves. They're not going to pay or go

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1 to no tradesmen or what do we call it, like they do down at
2 Wall Street, they're not going to pay somebody else to sell
3 their or to buy their gas or the necessary food they need.
4 I don't think that even should be in there. Because I know
5 fishermen that are going to look at this and think of Jim
6 Freedman or somebody else and say, he's going to be selling
7 my fish or he's only supposed to be buying it, you know. I
8 see that as a black mark, or really a big bright red mark,
9 that around the Tanana area they will balk at this.

10
11 MR. SHERROD: This concept, in part, has
12 developed in the Norton Sound area, along the coast, where
13 this practice has a long history. But maybe that -- maybe
14 you're right, it doesn't belong in your area. So what
15 would be the thoughts of, you know, be regional specific,
16 of definitions, that's also information we'd like you guys
17 to talk about. Is that what you're saying, Gerald, that
18 maybe we need regional specific? I'm not trying to put
19 words in your mouth.

20
21 MR. NICHOLIA: No, just put it this way,
22 customary trade is the trade of subsistence fish or parts
23 or cash does not amount to a significant commercial
24 enterprise, that says it all right there. Just putting in
25 tradesmen it just putting in more language and words that --
26 it's like beating around the bush, to me it is. And the
27 barter and trade, just say barter is barter and trade, but
28 it shouldn't be barter and trade. Barter is barter and
29 trade is trade. It's like what the State and Federal
30 government did to the word, subsistence, they gave so much
31 meaning to it that none of us like to be called -- like our
32 way of life to be called subsistence anymore. It's just --
33 it's almost ridiculous to me.

34
35 CHAIRMAN MILLER: Well, George, I'll ask
36 you the one question you're probably just waiting to hear,
37 too. Who's supposed to figure out these amounts?

38
39 MR. SHERROD: Please, please, Ida
40 Hildebrand, Staff Committee, BIA.

41
42 MS. HILDEBRAND: Ida Hildebrand, BIA, Staff
43 Committee member. The reason those amounts weren't
44 addressed is when this first started back two years ago, we
45 first started asking the councils about this and they all
46 said, no, don't put an amount in. There is not one amount
47 of money that could fit across the regions across the whole
48 state. If we're ever going to put an amount in there, then
49 we want to it region by region. And councils requested
50 that amount be reserved to the councils themselves to

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1 define at some future date, and no date was specified. So
2 that's why there isn't one in there.

3

4 CHAIRMAN MILLER: No amount figure. Well,
5 you know, in my opinion I think it's going to be hard to
6 try and figure out, you know, what's customary trade and
7 what's commercial fishing.

8

9 MS. HILDEBRAND: In response to the
10 difference, basically customary trade is the person in
11 customary trade is first of all a subsistence user. That
12 person is taking the fish or the animals for subsistence
13 use and then sells a part of that. Commercial trade, on
14 the other hand, is taken specifically for the sale of fish.
15 You go out and harvest it to sell it to make income on it,
16 and that's the basic distinction.

17

18 MR. L. TITUS: After ANILCA passed, I think
19 the Federal government are trying to figure out how we
20 live, and they're coming up with a whole bunch of words
21 that don't make any sense. I mean I agree with Gerald
22 about customary trade.

23

24 I mean I grew up, I mean times change. Back in the
25 '50s and '60s it would have been appropriate. It would
26 have been appropriate. But now a days, it's
27 commercialized. It's not customary trade anymore, it's
28 commercial. And they're trying to use the Indian law that
29 was written in ANILCA to sneak in on my life and they want
30 to say it's public. They say anybody can do it. You can
31 do it if you say you're a subsistence fisherman or a
32 subsistence hunter. And you can make money off it, under
33 the table. There's a bunch of people doing that right now
34 under the table. And then you're trying to use ANILCA to
35 protect you.

36

37 CHAIRMAN MILLER: Go ahead, Lincoln.

38

39 MR. L. TRITT: Yeah, all this
40 traditionally, barter and trades and all that stuff there.
41 In our system, when people or somebody works for you or
42 gives you food or something they do it with either food,
43 clothing or tools, you know. And if you get money into
44 that tradition, it's commercial, no matter how you look at
45 it. You need to -- that's why we keep going back to
46 traditional practices because there's too much
47 interpretations.

48

49 CHAIRMAN MILLER: Did you have something
50 there Knowland?

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1 MR. SILAS: Under customary trade,
2 customary and traditional. You go back in the traditional,
3 I'm sure long ago, it's in our records and I'm sure the
4 people in Minto were doing trade so that -- they shouldn't
5 show that amount. The old pictures like the one with
6 Tanana Chiefs when my uncle and my mother and my
7 grandfather go to Nenana, the whole boat was filled with
8 fish, is that customary and traditional for me, can I do
9 that, too? Then we come down to barter, now it is -- well,
10 we have a cash system where we're basing everything on
11 cash. Lincoln is right in the sense that we got to get
12 back our old ways, pre-cash days when we traded and
13 bartered. I'll going to trade all my fish for guns, stuff
14 like that.

15
16 (Laughter)

17
18 MR. SILAS: We always come back to the
19 monetary value on whatever we do because of today's
20 standards, and we'll always come back to this issue, you
21 know, I'm not sure how we're going to deal with it. It's
22 up for discussion right now but we all have different
23 opinions on how it works.

24
25 CHAIRMAN MILLER: I agree with Knowland,
26 you know, when you said mentioning dollars. It seems --
27 now, to me that's commercial, you know, you're selling
28 something for money.

29
30 MR. SILAS: So is this just in discussion
31 or do we need a motion?

32
33 CHAIRMAN MILLER: It's just discussion now.
34 Unless George wants us to make a motion here?

35
36 MR. SHERROD: No.

37
38 (Laughter)

39
40 MR. SHERROD: This is just discussion.

41
42 MR. GOOD: He doesn't want another one of
43 those.

44
45 MR. SHERROD: You do what you see best,
46 yes.

47
48 MR. JAMES: Mr. Chairman.

49
50 CHAIRMAN MILLER: Go ahead, David.

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1 MR. JAMES: Yeah, George, I agree with
2 Gerald on the tradesmen, after looking at it and thinking
3 about it after a few minutes here. Well, the person who
4 comes -- anybody who comes in and takes the food there --
5 or takes resource and takes it and sells it, is that
6 what.....

7
8 MR. SHERROD: No, this would have to be a
9 subsistence user. This would be an individual who got dry-
10 fish from a friend up stream and traded the dry-fish to
11 somebody for black meat on the coast or something like
12 that. There has been attempts -- one of the reason this
13 has come up is there was a longstanding practice in Norton
14 Sound and there had been attempts to say that you could not
15 trade -- if you trade -- if you trade beluga for moose
16 meat, you got to eat all that moose meat. You can't say,
17 hey, this guy down river, he's got some beaver and I like
18 that, so I'm going to trade that moose meat for beaver.
19 There has been attempts saying that once you've made that
20 trade, whatever you trade for, you have to eat, and this is
21 just a way of -- and you know that's not in the regulation
22 but people have proposals that that be essentially one of
23 the regulations. I mean the best way to do this is to
24 think about what you know goes on in your communities and
25 how to best describe it. Or maybe, as Gerald's proposed,
26 and I'm sort of hearing it, just leave those terms there
27 and if we have an abuse we'll deal with it, we don't need
28 to amplify it. That might be the position that this body
29 takes. You don't have to take it now you can bring it with
30 you in January when we meet.

31
32 As I say, the whole effort here is to try to get
33 your input, not to tell you what to do or how you do it,
34 just try to get your input. We have to have a starting
35 spot.

36
37 CHAIRMAN MILLER: It might be helpful under
38 tradesmen is just to take out the word cash, either barter
39 or trade, that way you're not getting money involved. I
40 think that's what, you know, set up a red flag with Gerald
41 is when you seen cash, you know, the guy's going to start
42 buying all this stuff and selling it.

43
44 MR. NICHOLIA: Just the fact that it's a
45 tradesmen.

46
47 MR. GOOD: The word, tradesmen.

48
49 MR. NICHOLIA: What I meant when I said
50 that is that the subsistence user is the one that's doing

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1 the barter and the trading, why not just call him a
2 subsistence user that's trading and bartering that doesn't
3 constitute a commercial enterprise. You don't have to have
4 cash in there or nothing, people are going to look at that --
5 they probably wouldn't even -- customary and trade is --
6 means the same thing. We're just blowing this.....

7
8 MR. JAMES: It seems like to me that the
9 barter and trade and tradesman, it's the same thing. And
10 it's kind of opening up the door more to other people that
11 aren't really subsistence users and that's what I see here.
12 And I think this one needs to be really discussed more
13 later.

14
15 MR. NICHOLIA: I think, let's try and put
16 it this way, the exchange of subsistence fish or parts for
17 other subsistence foods or cash or other items by
18 subsistence users; could we -- that we could put in there
19 that that does not constitute a commercial enterprise.
20 That would be more to the point and direct than having all
21 these meanings in there where some of my aunties or uncles
22 or cousins wouldn't be so flabbergasted by it all.

23
24 CHAIRMAN MILLER: Go ahead, Lee.

25
26 MR. L. TITUS: So our discussion is more in
27 line of narrowing down a definition of customary trade or
28 barter on a region wide basis or a state wide basis?

29
30 MR. SHERROD: Well, that's one of the
31 things that we have to look at is, do we look at it on a
32 region wide basis or do we look at it on a state wide
33 basis? At this stage we're gathering data on a state wise
34 basis and trying to make sense of it. There may be a way
35 to deal with it on a state wide basis but we may have to
36 deal with it on a region by region basis. This is your
37 chance to give us input. We don't have the answers and
38 we're not providing you with stuff that you guys have to
39 make a decision on.

40
41 MR. L. TITUS: Chuck.

42
43 CHAIRMAN MILLER: Go ahead, Lee.

44
45 MR. L. TITUS: Okay, when I grew up, my dad
46 raised me in a subsistence lifestyle, he never had a job in
47 his life. He was a muskrat hunter. Spring time in April,
48 we go hook up our dogs, put everybody in sled, we go move
49 out to spring camp. Where did he get his money for his tea
50 and sugar and flour? He borrowed from the local store.

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1 Tell them that when he come back he's going to give him
2 muskrat skins for it, okay. He come back in June, we
3 paddle back in canoe. June, he go down there and pay his
4 bill with muskrat skins. June, he borrow nails and wire to
5 build a fishwheel from the same guy that owned the store
6 and say that he's going to pay him back with fish in the
7 fall. I can understand that. But if you want to write a
8 law that says anybody can do what they want under what I
9 just said, I think it's going to be pretty damn hard to
10 control.

11
12 MR. GOOD: Mr. Chairman, I would like to
13 make a comment, I know what you were about to say here but,
14 I would like to compliment the people of Fort Yukon, and
15 particularly the Fort Yukon -- the advisory committee that
16 we saw last night, look how many of them are out there and
17 encourage them to be here tomorrow, and tell them, boy, I
18 think it's great. And see we do a lot of talking in our
19 meetings, too. I think it's really great of them to be
20 here, and I think they should -- yeah, I don't see how
21 they've managed to stick with us all day long. Now, I'm
22 sorry, Chuck, I'll be quiet.

23
24 CHAIRMAN MILLER: Do we want to go ahead
25 and break for dinner, I was just informed that dinner is
26 ready?

27
28 MR. MATHEWS: Sure. I'm taking it that
29 you're going to continue to think about customary trade?

30
31 CHAIRMAN MILLER: You know you trade what
32 you have for what you need, and there's no -- as soon as
33 you sell something, to me, that's commercial.

34
35 MR. MATHEWS: I think maybe when -- I think
36 I heard George say that there'll be some kind of looking at
37 past historic and contemporary -- I may be wrong because
38 I've been wrong before, but I think you're going to see
39 that cash did play a role traditionally through this so I
40 -- I'll just plant that little seed and then if I'm wrong
41 then you guys can remind me next meeting.

42
43 CHAIRMAN MILLER: Oh, we will.

44
45 MR. MATHEWS: But I would hope that you
46 continue to look at customary trade since it's an issue,
47 especially for Eastern Interior, that's going to be,
48 possibly a major issue. So it won't be the last time this
49 will be before you, I think. But anyways, I'm getting the
50 indication that you guys want to recess. The question I

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1 have from a councilmembers and Staff were, was the Council
2 thinking of coming back after dinner or not?

3

4 Let the record reflect that Chuck's head went to
5 the negative on returning after dinner. So what time did
6 you want to come back, we had it down, I believe at 9:00
7 o'clock?

8

9 CHAIRMAN MILLER: Is 9:00 o'clock fine, we
10 can start earlier, too, I mean they feed us pretty early
11 over there?

12

13 MR. MATHEWS: I think we have it down as
14 9:00 but we can start earlier.

15

16 CHAIRMAN MILLER: 9:00 o'clock.

17

18 MR. SHERROD: Are we going to pick back up
19 with customary trade?

20

21 CHAIRMAN MILLER: Yes, sir.

22

23 MR. SHERROD: Okay.

24

25 CHAIRMAN MILLER: Gerald wanted to make one
26 more comment before we recess tonight.

27

28 MR. NICHOLIA: If we go -- the reason I'm
29 getting at this whole subsistence user is that I'm trying
30 to base it on like, I don't want to say rural, but how much
31 they depend on it and how much, but what does it take for
32 Native people -- is that they grew up and a certain way of
33 life, and if it's that persons part of way of life that
34 they adapted to it, say, non-Native adapt to that, they
35 could be also considered as customary trade, that does not
36 come -- come around -- constitute a commercial enterprise.

37

38 That's my comment.

39

40 CHAIRMAN MILLER: Okay. 9:00 a.m.

41

42 (PROCEEDINGS TO BE CONTINUED)

43

44

* * * * *

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1 C E R T I F I C A T E

2 UNITED STATES OF AMERICA)

3) ss.

4 STATE OF ALASKA)

5 I, Joseph P. Kolasinski, Notary Public in and for
6 the State of Alaska and Owner of Computer Matrix, do hereby
7 certify:

8 THAT the foregoing pages numbered 2 through 70
9 contain a full, true and correct Transcript of EASTERN
10 INTERIOR FEDERAL SUBSISTENCE REGIONAL COUNCIL MEETING,
11 VOLUME I, taken electronically by Salena Hile on the 6th
12 day of October, 1999, beginning at the hour of 1:30 o'clock
13 a.m. at the Fort Yukon Community Hall, Fort Yukon, Alaska;

14 THAT the transcript is a true and correct
15 transcript requested to be transcribed and thereafter
16 transcribed by under my direction to the best of my
17 knowledge and ability;

18 THAT I am not an employee, attorney, or party
19 interested in any way in this action.

20 DATED at Anchorage, Alaska, this 18th day of
21 October 1999.

22
23 _____
24 Joseph P. Kolasinski
25 Notary Public in and for Alaska
My Commission Expires: 4/17/00